NORTH AND EAST PLANS PANEL

THURSDAY, 9TH APRIL, 2015

PRESENT: Councillor R Charlwood in the Chair

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

145 Chair's opening remarks

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

146 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest. Councillor Cohen brought to the Panel's attention that in respect of application 15/00648/FU – 265 Alwoodley Lane, the applicant was a close family friend and that when Panel considered the application, he would withdraw for this item (minute 150 refers)

147 Apologies for Absence

Apologies for absence were received from Councillor Wilkinson, with Councillor Wood substituting for him

148 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 12th March 2015 be approved

149 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 plane and create living space in roof - 7 Bracken Park, Scarcroft, Leeds

Further to minute 141 of the North and East Plans Panel meeting held on 12th March 2015, where Panel resolved to defer determination of an application for alterations and extensions at 7 Bracken Park Scarcroft, to enable a site visit to take place, the Panel considered a further report of the Chief Planning Officer

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

Officers presented the report and informed Members that the two storey element was proposed to be sunken to a greater degree than had previously been proposed, so making it now similar in height to the neighbouring properties

Sun path diagrams provided by the applicant were presented to Panel to show the extent of the overshadowing from the proposals on no.9 Bracken Park at various times of the day

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

- the size of the existing and proposed dwelling in terms of numbers of bathrooms and bedrooms
- the sun path diagrams; the accuracy of these; the extent of the trees shown on the drawings and whether Officers had checked these submissions. Concerns were raised that Officers had not verified the accuracy of the sun path diagrams; that the Department did not provide its own sun path drawings and the importance of having such information on cases where objections were raised on the grounds of overshadowing
- the information shown on the sun path diagrams and whether this related to loss of light. The Panel's Lead Officer advised that loss of light was a different issue, with light meters being the usual way of assessing that particular matter
- the impact of the proposals on neighbourhood amenity; the usefulness of the site visit in understanding the issues involved and concerns about the dominance of the proposals and that these would have a significant impact on visual amenity. Concerns were also raised about the distances currently between nos 7 and 9 Bracken Park which were considered to be tight
- the front extension; that the scheme could be improved by the deletion of this and the fact that on one of the drawings submitted by the applicant, this extension was shaded out which did not help Members when considering the proposals
- the need for further work to be undertaken on the scheme before it could be considered for approval

The Head of Planning Services referred to the sun path submissions and advised that the extent of shade indicated at 16.00 in summer could be accepted as it was usually later in the day when shadowing occurred and that in a large garden, as was no. 9 Bracken Park, there was less of an impact

Members considered how to proceed

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

150 Application 16/00648/FU - Demolition of existing house and the erection of three storey block of two flats - 264 Alwoodley Lane, Alwoodley, Leeds

Prior to consideration of this matter, Councillor Cohen withdrew from the meeting

Plans, drawings, graphics 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 to the demolition of the current dwelling at 264 Alwoodley Lane and it replacement with a three storey block of two, generously sized flats

The planning history of the site was outlined to Panel which had included several co-joined applications with 266 Alwoodley Lane, for flat developments, although more recently applications solely for the subject site had been submitted with the most recent application for 3 flats and basement parking being refused and subsequently dismissed on appeal. Planning permission had also been granted in 2009 for the demolition of the existing dwelling and the construction of a larger, five bedroom detached house, with Members being informed that the applicant now sought to bring forward a scheme with dimensions which reflected the 2009 approval, albeit for two flats

Members were informed that the current application sought to address issues in the previous schemes. In terms of the principle of development, local concerns about the loss of family housing and the introduction of flats had been noted, however the Inspector in determining an application on the site in 2012, was satisfied with flats being introduced in this location and that such accommodation did not necessarily preclude occupation by families Members were also informed there was no policy to prevent flats being sited in any location

Details of the access arrangements; boundary treatments; outdoor space, internal layout of the accommodation and parking were provided. Members were also informed that the footprint of the new dwelling would be set two metres further back into the site than the existing dwelling

In respect of impact of the proposals on the character of the area, the proposals would read as a two storey dwelling from Alwoodley Lane

Members were informed there were no issues in relation to highways safety or parking; that in relation to drainage, colleagues in Flood Risk Management had not raised concerns about what was one additional dwelling and that conditions were proposed to deal with drainage matters

The Panel heard representations from an objector who outlined concerns which included:

- the planning history of the site and the impact on neighbours of frequent planning applications at 264 and 266 Alwoodley Lane
- the possibility of a precedent being set for the development of flats in the area if the application was approved, with concerns this would lead to transient occupation and the loss of community/local life
- the extent of local opposition to the application
- the size of the flats being proposed
- highway concerns, particularly on-street parking; the steep nature of the drive on site and the extent to which the underground car park would be used by residents because of this

The Panel then heard representations on behalf of the applicant who

addressed Members and provided information which included:

- details of the on-site parking being provided
- the nature of the accommodation being provided and that it would not lend itself to transient occupiers
- that two long-standing, local residents sought to move into the proposed development
- that the development was not a speculative one. The applicant who was in attendance, confirmed to the Panel that he had no interest whatever in the adjoining site
- that much work had been carried out with Officers on the proposals for two, substantial, well-appointed flats
- that the proposals represented an appropriate development on a brownfield site

Members discussed the application, with the main areas of discussion relating to:

- the underground car park; its appearance and size to cater for normal vehicle manoeuvring, particularly from large cars. Members were informed that the basement would be well lit and that a heated ramp would be provided so access to the facility would be possible all year round. In respect of entering and exiting the car park in forward gear, the Panel's highways representative advised that this had been looked at carefully; that the car park plan had been amended to provide further space and that working on a 95 percentile vehicle, Officers were content these manoeuvres – this being a three point and multipoint manoeuvres - could be made even if all of the spaces were occupied such that vehicles could enter and leave the basement in a forward gear
- the likelihood of this form of development proceeding, with the view being expressed that if planning approval was granted, an application for a more intensive scheme on the site might be submitted
- that the proposals were not for the betterment of the area
- that the applicant had taken on board the points raised in the previous refusals
- drainage issues; the impact of the proposals on run off rates, which Officers advised would increase; methods of addressing this increase and the fact that detailed drainage information had not been included in the report before Panel. The Panel's Lead Officer advised that the wording of the proposed drainage condition could be tightened up to include run off rates and that it was critical to establish the principle that the land could be properly drained and that detailed drainage conditions would be attached to the approval

The Panel considered how to proceed

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

RESOLVED - That the application be granted subject to the conditions

set out in the submitted report and that additional details be included relating to the imposition of the drainage related conditions to restrict the run off rate to greenfield rates or the existing run off rate

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

151 Application 14/06051/FU & 14/06052/LI - Full and Listed Building applications for external and internal alterations, single storey extension and addition of new air conditioning and condenser units - Crown Hotel, 128 High Street, Boston Spa, Wetherby

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 related to applications for full planning approval and Listed Building consent for alterations to the former Crown Hotel Public House at High Street, Boston Spa, which was located in a Conservation Area

The planning history of the site was outlined to Members with it being stated that the premises could lawfully be used as a retail store without a Change of Use being required, with the lawful use as a Public House being established on appeal and the use as a retail store being permitted by government statute. Accordingly the retail use of the property and factors relating to the retail use were not material to the consideration of the applications before Members

The proposal before Panel related to the internal and external alterations of the ground floor of the property, with many original features to be retained following discussions with the Council's Conservation Officer. A small infill extension at the rear of the site was also proposed. The front of the property would remain unchanged

Members were informed that signage did not form part of the application before Panel and would be subject to a separate application for advertisement consent

In terms of highways issues, these were not a consideration in this case as the site could be used for retail development without the need for planning permission

A late representation which supported the proposals was reported

The Panel heard from a local resident who had objected to the application, with the main issues being raised relating to:

- noise nuisance due to the number of deliveries to the store each day and obstruction from parking on Church Street
- impact of the proposals on highways safety and the free flow of traffic, particularly at peak times
- the need for delivery times to be restricted

The Panel also heard from the applicant's agent who provided information to Members, which included:

- that the size of vehicles and use of beepers could be controlled and that a surface yard and delivery strategy would be provided

- the applicant's willingness to accept informatives on a planning approval, to address issues relating to the impact of the proposals on residential amenity
- that the applicant would be willing to fund a Traffic Regulation Order to address highway concerns
- that the applicant would be willing to enter into a Unilateral Undertaking to address highway issues relating to the property being used as a retail store

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

- the lack of consultation with Ward Members. Concerns were expressed about the approach taken by the applicant/agent in this case, this being to secure planning permission first and then seek to discuss issues with the local community
- signage. Members were informed that in this location, a heritage sign would be used, with Members seeking further reassurances about the proposed signage
- that further details on several issues were required before Panel could reach a decision on the application

The Panel's Lead Officer advised Members that the situation was unusual in that the grant of planning permission for retail use did not rest with the LPA in this case. The application before Panel related to the alterations and the effect of these and whilst it was recognised that there were highway implications from the retail use, those matters could not be linked to the applications before Panel. In respect of the Unilateral Undertaking which had been offered, this was not something the Panel could place weight upon in determining the applications

Members considered how to proceed

RESOLVED - To defer determination of the application for one cycle and for a further report to be submitted to Panel which set out what matters could and could not be considered as part of both applications and to seek the submission from the applicant of a Unilateral Undertaking which should address the highways issues associated with the operation of the property as a retail store, with Ward Members being consulted on the Unilateral Undertaking prior to the next Panel meeting

152 Date and Time of Next Meeting

Thursday 28th May 2015 at 1.30pm in the Civic Hall, Leeds