

NORTH AND EAST PLANS PANEL

THURSDAY, 7TH APRIL, 2016

PRESENT: Councillor N Walshaw in the Chair

Councillors R Grahame, M Harland,
C Macniven, G Wilkinson, B Cleasby,
B Selby, S McKenna, B Flynn and G Latty

CHAIRS COMMENT

The Chair welcomed all to the meeting and asked Members and officers to introduce themselves.

166 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

167 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during Item 13 Application 15/07209/FU for discussions on the financial aspects of the case, with it being considered as if members of the public were present there would be disclosure to them of exempt information as designated as follows:

Discussions referred to in minute 178 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that there would be disclosure of information in respect of financial information concerning the viability of the scheme.

168 Late Items

There were no late items.

169 Declarations of Disclosable Pecuniary Interests

Declarations of other interests were received from:

Cllr. Walshaw in respect of Item 9 Application 15/07182/FU – Hawks Nest Gardens East, Alwoodley, LS17. Cllr. Walshaw knows the father of the applicant.

Cllr. Macniven in respect of Item 13 Application 15/0729/FU – Land at Devonshire Lodge, Devonshire Avenue, Lidgett Park, Leeds. Cllr. Macniven had met with developers about enhancement work.

170 Apologies for Absence

Apologies were received from Councillors Andrea McKenna, John Procter, and Paul Wadsworth.

Councillor Billy Flynn substituted for Councillor Paul Wadsworth and Councillor Graham Latty substituted for Councillor John Procter.

171 Minutes

RESOLVED – Minutes of the meeting held on 10th March 2016 were approved as a correct record.

172 Matters arising

Members received a verbal update on 56 The Drive.

Members were informed that the applicant's representative had written to confirm that the outstanding works had been undertaken, that a report was to be submitted to their Building Control Inspector and that they set out that it was anticipated that a completion certificate would be issued within the next week.

Application 16/00162/FU-71 Hill Top Mount, Chapelton. Members were requested to defer consideration from ward Members for further negotiations due to the personal circumstances of the family.

173 Application 15/06291/FU - 32 Main Street, Thorner, LS14

Members had visited the site earlier in the day and plans and photographs were shown to Members during the meeting.

This application had been brought to Plans Panel in response to a request from Councillor Rachael Procter who wished the Panel to consider the impact the proposal would have on the amenity of neighbouring properties.

Members were informed that the site was located within the Thorner Conservation area.

The applicant sought permission to erect a detached house with 2 double bedrooms, a single bedroom and garage in the rear garden of the existing property which fronts onto Main Street. The application was in principal a backland infill development. Members were informed that access to the proposed site would remain the same and that 2 trees on the access would be maintained.

An artist's impression of the proposed dwelling was shown at Panel.

Members were informed that 1 and 2 Prospect Court and 38 Main Street had expressed concerns in respect of missing information and plans, the impact on the conservation area, trees and neighbouring amenity, application property and in respect of overlooking.

Members were informed that the application site it set slightly above 2 Prospect Court as the garden sloped downwards. The Panel were also informed that 2 Prospect Court had side windows to the lower floor.

Members were reminded of a similar application at 58 Main Street which was refused but appealed and allowed.

The residents of 1 and 2 Prospect Court attended the Panel and informed Members of their concerns which included the following:

- The proposed dwelling would cause deep shadowing over house and patio most of the day
- The proposed property would overlook 2 Prospect Court because of the height difference
- Bats roost in the trees
- Erode the character of Thorner
- Fails planning rules

Members were informed that relevant points of the report mentioned was included within the Panel report at points 10 – 10.20.

Mr Percy the applicant attended the Plans Panel and informed the Panel that he had lived at the property since 1987. In response to Members questions he informed them that Prospect Court had been built about 1991-2 and prior to building had been an apple orchard.

He explained to the Members that his children had now all grown up and left and that he and his wife wanted a house that was more practical. They were attached to the village and wished to remain there.

In response to questions from Members Mr Percy informed the Panel that all his neighbours had been made aware of the planning application and that he had taken advice given by planning officers who had been very thorough and dealt with all issues.

The officer advised the Panel that due regard had been taken to overshadowing in the patio area and would have some impact but not to a degree to refuse the application. It was noted that the applicant had provided detailed plans of the sun orientation and shading including that by boundary trees.

Members noted that a bat survey had not been submitted as not made aware that bats roost in the trees.

The Panel noted that all reports should have detailed information included in all reports.

RESOLVED - To grant permission to the application in accordance with the officer recommendations.

174 Application 16/00162/FU - Old Forge Cottage, Forge Lane, Wike, LS17

A site visit had taken place earlier in the day and plans and photographs were displayed at the meeting.

The application sought permission to demolish a dwelling in the green belt and the construction of a replacement dwelling to be built to Passivhaus standards.

Members were informed of the history of the site and the previous proposed which had been dismissed under application reference 14/05078/FU on a non-determination appeal. A certificate of lawfulness had been granted. However, the applicant had not been able to demonstrate that the fall-back position for extensions and garage were realistic or financially viable, limiting the weight that the Inspector could give.

The applicant had worked with officers to negotiate on the current resubmission with additional information and amended plans. The application now proposed an improved design of dwelling and provided additional evidence in order to allow full weight to be given to the fall-back position.

The Passivhaus standards were explained to the Panel and it was noted that the proposed design was similar to that of the existing dwelling with chimneys at each gable. The dwelling would be built in a mixture of reclaimed and new stone, with new slate in dark grey to the roof.

It was noted that access to the property would not impinge on the access to the golf course.

The Chair spoke of his support for Passivhaus design and the environmental practicalities of the design with sound performance on good energy saving and low cost.

RESOLVED - To defer and delegate approval to the Chief Planning Officer in accordance with the officer recommendation as set out in the submitted report and the submitted unilateral undertaking under Section 106

175 Application 15/07182/FU - Hawks Nest Gardens East, Alwoodley, LS17

A site visit had taken place earlier in the day, photos and plans were shown at Panel.

This application was for a detached dwelling to be located on a plot of land which was the former garden area to 24 Primley Park Avenue. Members noted that the context of the site is more properly Hawks Nest Gardens East as this is where the access to the site is to be taken and where the public views would be seen.

The proposal was for a detached dwelling of brick and render with a two storey projection described by the applicant as a dormer to the front of the property. The single garage would be at the front of the property.

The Officer informed the Panel;

- of the planning history of the site and the negotiations that had taken place
- the current proposed size of the dwelling and the design
- the character of properties on Hawks Nest East
- the potential impact on a tree protected by a Tree Preservation Order (TPO)
- location of the garage to the front of the property not in keeping with street scene

A ward Councillor had requested that the application be determined at Plans Panel if officers were mindful to refuse the application.

Mr Iqbal the applicant's father spoke to the Panel.

Mr Iqbal explained to the Panel that his daughter and her husband wished to build a home that a family could grow into.

He informed Members that the proposed dwelling was a one and a half storey dwelling with good side access the house would be set back in order to protect the tree.

He also informed the Members that other properties on Hawks Nest East had been extended and he believed that more would extend in the future.

RESOLVED—That the Plans Panel resolved not to accept the recommendation to refuse planning permission and overturned the recommendation of the Officers and recommended to defer and delegated the grant of planning permission to the Chief Planning Officer and that the conditions be formulated in consultation with ward Members.

176 Application 16/00178/FU - 71 Hill Top Mount, Chapeltown, LS8

**177 This item was deferred until the next cycle. Minute 172 refers
Application 16/00329/FU - Trust Office Sutton Approach, Killingbeck, Leeds**

This application was brought to Plans Panel by Cllr. Hyde who wished the Plans Panel to consider the location in relation to housing density and site layout against the existing houses on Collins Road.

The application was a resubmission following the refusal of planning permission for nine self-contained flats at the site (Ref: 15/00737/FU). The refusal was also a resubmission following an earlier refused application proposing six terrace houses (Ref: 14/05763/FU).

The Panel had visited the site on a previous date. Plans and photographs were shown at the meeting.

This planning application proposed 5 two bedroom dwellings with associated car parking.

Adrian Rose spoke on behalf of the applicant explaining that the applicant had reduced the density from 9 to 5 dwellings.

He informed the Panel the proposed dwellings had a drive of hard standing and attractive gardens although not deep were of a sunny aspect with good views over the park beyond.

Mr Rose informed the Members that the flats would be built using the same or similar materials as properties in the area replicating the estate nearby so as not to be detrimental to the character of the area.

He said that consideration had been given to walkers on the public footpath and the development would not be detrimental to them.

Mr Rose said that sufficient parking had been provided with Highways making no comment in the submitted report.

The Plans Panel discussed the following issues:

- The character of the area
- The need to develop the site
- The size of amenity space
- Need for consultation with residents and ward members

RESOLVED – Consideration of the application was deferred for further negotiations over the layout and design of the development. Ward Members to be consulted and kept informed of progress of the negotiations and that the application be reported back to Panel for determination.

178 Application 15/06738/FU - Ling Beeches, Ling Lane, Scarcroft, LS14

A site visit had taken place earlier in the day. Plans and photographs were shown at the meeting.

The application sought retrospective permission of a large garage that had been constructed within the site. The application was brought to Plans Panel at the request of Councillor Racheal Procter who raised concerns in relation to the visual impact of the development and the harm the development causes to neighbouring residential amenity.

The application sought retrospective planning consent for a large outbuilding with accommodation in the roof that was under construction to the rear of the site. The garage measured 6.6m in height, 17m in width and 10.7m in depth. The garage featured 3 dormer windows in its front elevation. The garage was of a stone construction.

A number of trees have been removed to accommodate the development although there is a Tree Protection Order in place. The location of the building

is close to neighbouring properties in The Glade, a cul-de-sac arrangement of properties.

Officers had shown concerns in particular 5 The Glade so applicant was told to remove 2 windows to the side of the building and obscure glaze to the rear windows. The applicant has said that a screen of substantial potted trees will be used to block the boundary with 5 The Glade.

The trees that are still on the site had been assessed by the tree officer and it was noted that there is no impact to the trees from the building.

Members were informed of the difference in levels between the property and neighbouring dwellings.

Members were informed that the applicant could have built the garage under Permitted Development. However, the building had been constructed to a height of 2m beyond that of Permitted Development.

The residents of 5 The Glade were present at the meeting and informed the Panel of the following concerns:

- Planning guidelines breached
- Distance and space between the two properties
- Amenity space overlooked
- Overshadowing of property and garden
- Loss of privacy
- Loss of light into certain rooms in the property
- Neighbours in the Glade also have some loss of light

In response to Members they explained via a photograph which trees had been removed. They said that no consultation had taken place prior to the start of building and had been told by a relative of the applicant that it was a single storey garage. They said that they had alerted the Council on two occasions.

The applicant was in attendance at the meeting and decided to speak to the Panel.

The applicant said that trees on the site had been removed by a tree specialist.

He informed the Members that construction had begun within the Permitted Development. However he had had a change of heart and decided to add another floor and had requested approval for this work before continuing with the build.

Members were of the view that the building looked close to completion.

The applicant told the Panel he had not had any contact with the neighbours at 5 The Glade he had spoken to others in the area. He went on to explain

that he is a private person and would replace foliage to the boundary to ensure his privacy.

He said that Ling Beeches was built in 1957 and the new property was in keeping with the house and that the building would be of stone not render. The building was purely for pleasure not for commercial use. He went on to explain that the building was being built on the site of the old garage as this was the easiest solution as he was able to use the base that had been there already.

The applicant said that he had lived at Ling Beeches since 2014 and had starting building about 18 months ago. He was unable to comment on loss of sunlight.

Members discussed the application at length which included the follow points:

- Guidelines of permitted development
- The size of the new building in comparison with the dwelling house
- The depth of the garage floor
- Need for drive to be excavated
- Planting of trees and foliage to the boundary with substantial plants
- Overlooking and dominance of building on to neighbouring properties
- Effects of shadowing on neighbours
- Noise nuisance
- Concerns in respect that the new building should remain a garage

RESOLVED – That the Plans Panel resolved not to accept the officer recommendation to grant planning permission and that permission be refused on the following grounds:

1. Harm to residential amenity through over dominance of the structure
2. Harm to the character of the area by reason of it constituting a disproportionate to existing dwelling, the loss of trees and the extent of engineering works still to be undertaken.

The precise wording of the reasons to be delegated to officers.

179 Application 15/07209/FU - Land at Devonshire Lodge, Devonshire Avenue, Lidgett Park, Leeds

The Panel was informed that the application had not changed since the last time it had been presented at Plans Panel. Members were reminded that when considered previously there had been a shortfall in the affordable housing contribution to be policy compliant. That scheme was pre CIL and was the subject of an appeal which was dismissed and a subsequent High Court challenge by the applicants which was subsequently withdrawn. A costs award against the Council was quashed and a decision on that remains outstanding with the Planning Inspectorate.

Members noted that the current offer was an improvement over the earlier offer made under Ref: 13/03606/FU.

The application detailed a proposal relating to the erection of 41 residential units with associated communal facilities, landscaping and car parking. The development comprises a 4 storey block of one and two bedroom apartments with a resident's lounge, guest room, laundry, and mobility facilities.

The existing building which comprises Devonshire Court, Devonshire Hall, and Devonshire Grange would be demolished and the 4 storey block built on the site.

Members were informed that 1 letter of object had been received from Devonshire Lodge which is an office building. The response to the letter was read out to the Panel.

Response:

- The application site clearly relates to the land adjacent to the actual property Devonshire Lodge.
- Drainage implications have been assessed by Flood Risk Management and they have recommended suitable worded conditions to be imposed should Planning Permission be granted.
- Loss of amenity is dealt with in the main body of the report and the impact on amenity of the area was considered acceptable.
- Lack of pre application consultation – Whilst the LPA support the carrying out of Pre Application consultation with the local community the parameters and extent of that consultation is the responsibility of the developer and the lack or the perception of the lack of pre application consultation is not a reason for refusal of the planning permission.
- Loss of Employment land – Whilst the sites last use was for B1 employment uses it has never been formerly identified as Employment Land in the Local Plan. In addition, the most recent appeal decision did not consider that the loss of B1 offices would be detrimental to the viability of the locality as to justify the dismissal of the appeal on that point especially when balanced against the benefits that the development itself would bring to the area.
- Access for construction – without causing severe damage and detriment to the existing boundary of Devonshire Avenue it is difficult to see how a separate construction access could be formed and there has been no request from the Highway's officers for a separate access during construction as the existing access is deemed satisfactory.
- That there are similar units in the vicinity available for rent within a mile of the development is not a material planning consideration, and the establishment of a retirement complex in this location is subject to the contents of the report considered acceptable.

At this point, having resolved to consider the exempt appendix in private, the public withdrew from the meeting.

A senior representative of the District Valuer's Office attended the meeting to assist Members in considering the viability evidence.

The public were then readmitted to the meeting.

Plans and photographs were shown at the meeting.

Members discussed the following:

- Asset value of land nearby
- Use of CIL for art work for the development
- Use of CIL for public health facilities close to the development
- Design and layout of the development
- Amenity space

RESOLVED – That the Panel agreed to defer and delegate approval to the Chief Planning Officer as per the conditions set out in the submitted report.

A clause to be added in the Section 106 to restrict age limit to occupiers aged 60 or over.

180 Application 16/01275/DTM - Great Preston Snooker and Sports Club, Berry Lane, Great Preston, LS26

This was a determination application brought to North and East Plans Panel, as a previous application for a 10m high monopole mast near to the site had been considered and refused by the former East Plans Panel.

As this was an application for Prior Approval the council only had a limited amount of time to consider it.

This was an application for a determination under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as to whether the prior approval of the local planning authority is required for the erection of 15m shrouded monopole to support 3no. telecommunications antennae. Two dishes each 300mm in diameter are also proposed on the monopole at a height of 10m. A total of 4 ground based equipment cabinets and 1 final cabinet. All structures would be painted green to blend in with the local agricultural land.

Plans and photographs were shown at the meeting.

Members were informed of the following;

- The proposed siting of the monopole was to be at the western side of the cricket ground.
- No objections raised by Sport England.
- Current coverage in the area and proposed coverage if mast erected
- Site is close to a public footpath
- Financial implications for club
- Alternative sites deemed less sensitive
- Application was accompanied by an International Commission on Non-ionizing Radiation (ICNIRP) declaration which confirms the installation complies with the relevant public exposure guidelines for radio transmitters
- Schools located nearby

Members were also informed that a letter of support had been sent with the application from the Great Preston Snooker and Sports Club

Two emails and one call had been received and Ward Councillor Mark Dobson had raised concerns in relation to;

- visual impact of mast upon outlook from neighbouring properties and the impact upon property value;
- potential health impacts due to the use of the site by children and the proximity to schools
- request for alternative locations to be look at
- potential for vandalism to the installation

One letter of support had been received.

Members were informed that officers now considered that the application should be refused for reasons relating to its siting and harm to the openness and amenities of the Green Belt.

Agent Richard Morison was present at the meeting and addressed the Panel informing them that the mast would be of dual benefit for the area offering greater telephone coverage for the area and also financial benefit for the sports club to sustain operation of the club into the future. He said that there were no health implications and reiterated the fact that a certificate had been gained from ICNIRP.

He explained that the previous application in 2007 had sited the mast closer to the club building.

He also said that the applicant would be willing to share the mast with other operators.

Members questioned the proposal to site the mast in that location, highlighting the concerns of local residents and parents of children using the sports facilities.

Mr Morison said that letters had been sent to ward councillors and schools in the area but no response had been received.

Members noted the comments of the ward councillor that the site of the mast was in the wrong place and alternative area such as Kippax should be explored.

RESOLVED –Members resolved that the application should be refused for reasons relating to the siting of the mast and harm to the openness and amenity of the Green Belt.

181 Application 15/02635/FU & Application 15/02634/FU Marks & Spencer Store Horsefair, Wetherby, LS22

Prior to the start of this item Cllr. Wilkinson declared another interest as a member of the Wetherby Town Council.

Further to minute 51 of the North and East Plans Panel meeting held on 27th August 2015, and with reference to minute 84 of the North and East Plans Panel meeting held on 29th October 2015 a meeting took place between Ward Members, M&S and officers try and resolve issues associated with deliveries to the store. This meeting took place on 31st March 2016.

Ward Councillors John Procter and Alan Lamb along with the Area Planning Manager had attended the meeting on the 31st March. The Area Planning Manager informed the Panel of the outcome.

Discussions included the following:

- That it was agreed that the proposed storage building was not well located next to the store entrance and that it would be unsightly.
- That alternative locations for it were discussed.
- It was agreed that the external storage been undertaken is unsightly.
- That an alternative arrangement to the storage building would be for an additional vehicle to visit the site and utilise a loading bay on Horsefair and that the crates be loaded onto it and taken away. M&S agreed that if that was achievable it was more desirable than having an additional storage building.
- That there were no objections from a local ward member perspective to the principle of extending the delivery hours so long as certainty could be provided as to the timing of deliveries, by how many vehicles and of what size. Underpinning this is a general desire to allow the store to operate efficiently but in a way that minimises disruption for local people and provides certainty.
- This could include extending delivery hours into the evening if that better suited the operation of the store and also helped reduce disruption for local residents.
- It was agreed that M&S would consider these points and set out their reply in writing.

Whilst positive discussions took place on site, M&S had formally responded and do not propose to amend their applications or withdraw them and wished them to be determined on the basis of the current submission.

A letter and Deliveries Schedule (submitted for information only) had been submitted in response to the meeting.

A summary was provided to the Panel as follows;

- M&S still require the storage building next to the access
- This storage unit is not suitable for storage of goods and is used for holding stock equipment and cardboard
- Removal of the bench was not feasible
 - Well used by the community
 - M&S have no rights over the land
 - A storage building would obscure a historical plaque
 - Use of this area for storage would conflict with pedestrians

- The use of a parking bay in Horsefair to hold an additional delivery vehicle was not a feasible option
- There would be no significant loss to parking provision

Members noted the Delivery Schedule provided which set out the current delivery regime for April 2016. And the fact that M&S did not consider it necessary or relevant to condition as part of any approval and considered that it did not meet the test of paragraph 206 of the NPPF. M&S were of the view that conditioning the delivery schedule had no material effect on the revised 7am delivery time.

An additional letter of support had been received from a resident of Braham who used the M&S regularly and was of the view that M&S enhanced the shopping experience and brought people to the town of Wetherby. The view of the resident was that the retail business should be supported.

Members discussed the following issues:

- Morrisons on the other side of the residential complex opened for deliveries at 6am
- The residents seemed happy with the proposed 7am delivery time
- Use and clarification of a Delivery Management Plan
- Use of an additional vehicle to collect grates rather than storage

RESOLVED – 15/02635/FU – Panel resolved not accept the officer recommendation that planning permission be granted for the storage building and that permission be refused for reasons relating to its design and siting and consequential harm to the character and appearance of the conservation area.

15/02634/FU - Resolved that permission be granted for the extension of delivery hours subject to an additional condition requiring the submission of a service management plan. Ward Members to be consulted on the submitted details.

MARTIN SELLENS RETIREMENT

The North and East Plans Panel were informed that it was likely that Martin Sellens, Head of Development had attended his last Plans Panel as he would be retiring from the Council with his last day to work being 20th May.

The North and East Plans Panel thanked Martin for his advice and assistance on planning matters and wished him well for his retirement.

182 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be 11th May 2016 at 1:00pm.