

NORTH AND EAST PLANS PANEL

THURSDAY, 8TH AUGUST, 2013

PRESENT: Councillor D Congreve in the Chair

Councillors R Grahame, M Harland,
C Macniven, J Procter, G Wilkinson,
J Harper, M Lyons and C Towler

22 Chair's opening remarks

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

23 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 or 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 report referred to in minute 33 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

24 Late Items

There were no formal late items, however the Panel was in receipt of a supplementary report in relation to application 10/01412/OT – Queen Street Allerton Bywater,(minute 33 refers), which had been circulated prior to the meeting

25 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests however, in relation to minute 27, Minutes of the meeting held on 11th July 2013, Councillor Lyons brought to the Panel's attention in respect of minute number

16 – Application 13/00432/FU – 14 Morrith Avenue LS15, that the applicant was a close family member

Councillor Lyons and Councillor J Procter also brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority as Metro had commented on several of the applications being considered by Panel

26 Apologies for Absence

Apologies for absence were received from Councillor Campbell and from Councillor A McKenna, who was substituted for by Councillor Towler

27 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 11th July 2013 be approved

28 Application 12/00725/OT - Aberford Road Garforth - request to withdraw the report from the agenda

The Chair sought the Panel's agreement to withdraw application 12/00725/OT – Employment park and laying out of access at Aberford Road Garforth LS25 from the agenda. This request was to enable late representations which had been received and included reference to noise evidence, to be properly evaluated by Officers

RESOLVED - That the report be withdrawn from the agenda to enable consideration of the information which had recently been received

29 Application 13/02059/FU - Replacement wall mounted plant unit and four new floor standing units with fencing to side service yard to the Former Blockbuster Store 635a Roundhay Road LS8

Plans, photographs and drawings 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 the installation of plant and fencing associated with a new Morrison's store on Roundhay Road LS8. As seen on the site visit earlier that day, the fencing and units had been installed, so the application was now for retrospective planning approval

The two key issues associated with the application were visual impact and impact on residential amenity, particularly possible noise disturbance from the proposed use

In terms of visual impact, Officers considered that the views of the plant were sufficiently screened by a high fence

In respect of impact on residential amenity, the test was for the units to operate at a level which was below the background noise level, with Members

being informed that currently this was not the case. As such, planning permission could be refused due to the impact on residential amenity or Panel could defer and delegate the application to Officers to carry out further negotiations with the applicant to secure a scheme of measures which could mitigate the noise of the units. Members were informed that Officers from the Environmental Protection Team had indicated that mitigation measures could be found, with the provision of a close-boarded fence being suggested, possibly in conjunction with other measures. The applicant had also indicated that further measures could be taken to improve the current situation. If minded to defer and delegate approval, revised conditions were outlined

Members discussed the proposals and commented on the following matters:

- the number of applications coming forward for the conversion of empty premises to small, convenience supermarket stores; the suitability of the some of the premises being sought for conversion and that such plant should be sited inside the premises
- the possibility of creating a policy to address the issue of these type of conversions and the need for units to be of an adequate size. The Chair suggested that this matter be discussed by the Joint Member and Officer Working Group
- the fact that the works had already been implemented and that the applicants should have been aware that planning permission was required

It was noted that one of the units had not been sited in the position indicated on the plan and that further discussions would be necessary regarding this

The Panel considered how to proceed

RESOLVED - To defer and delegate approval of the application to the Chief Planning Officer, subject to further negotiations on the implementation of a scheme of measures to mitigate noise nuisance and to include discussions on the correct siting of one of the units. That any scheme to be conditioned, including its maintenance and for the scheme to be implemented within one month of its approval

30 Application 13/01096/ADV - Proposed three illuminated signs and alterations to existing gantry sign to front at former Old Star Inn Leeds Road Collingham Wetherby LS22

Further to minute 19 of the North and East Plans Panel meeting held on 11th July 2013, where Panel deferred determination of an application for advertising consent for signage at the former Old Star Inn, Collingham LS22, due to concerns raised about the application regarding the front signage; vinyl stickers to front windows of the premises and the bollards at the front of the building, Members considered a further report of the Chief Planning Officer

Photographs and graphics were displayed at the meeting

The Panel's Lead Officer presented the report and informed Members that the issue of whether the freestanding sign had been constructed in line

with the advertisement consent approved by Panel in October 2012 (minute 55 refers), had been considered and it had been found to have changed, as the spacing between the panels was different; there was less illumination and the finials had been removed. As this sign had now been incorporated into the current application, it was for Members to take a view on this

Regarding the use of vinyl stickers to obscure several of the windows of the building, Members were informed this was for security reasons and to screen the back of house areas and the refrigeration units from public view. The Panel's Lead Officer advised that this matter did not fall under the control of the advertisement consent and that planning permission for this treatment was not required. However, if it was felt that the works had materially altered the external appearance of the building, it might be possible to argue that consent would be needed but further consideration would have to be given to this point

In respect of the bollards at the front of the premises, these were shown on the original application and formed part of the original planning permission for the site

Members discussed the application and commented on the following matters:

- concern that a major retailer in the country had not abided by the requirements set out in the planning permission and had not kept their word about reusing within the site, the original public house sign
- the amount of new signage being used to advertise the location of the premises
- the use of vinyl stickers on the windows to the front of the premises; that although not Listed, the building was sited in a Conservation Area; was named in the Conservation Area Statement and should be treated sensitively, rather than have vinyl stickers masking several of the windows; that it did affect the look and feel of the building and that more should be done to improve this
- that the new lamp posts were not sited in the same position as those which they had replaced and that this matter needed to be looked at in view of the damage these lamp posts had sustained by vehicles manoeuvring past them. The Panel's Lead Officer confirmed that this matter would be investigated by Officers

The Panel considered how to proceed

The Chair suggested that Officers could go back to the applicant to discuss further the use of vinyl stickers at the front windows of the premises but pointed out that the applicant could use other window treatments such as blinds or curtains to mask these windows

RESOLVED - That the application for advertisement consent be granted; that Officers would look into the siting of the lamp posts within the site and that further discussions would take place with the supermarket operators regarding the use of vinyl stickers to the front windows of the premises

31 Application 13/01518/FU - Retrospective application for first floor side extension with balcony at rear of Silver Birches Ling Lane Scarcroft LS14

Plans and drawings 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 consent for retrospective planning permission for an extension and balcony to Silver Birches, Ling Lane Scarcroft LS14

The application had been referred for consideration by Panel due to concerns which had been raised about the harmful impact of the extension on the character of the area and the impact on neighbouring dwellings

The key issues in respect of the application were explained, these being in relation to the Green Belt and the fact that over half of the house, i.e. around 50-60% was sited within it, as was the extension. This resulted in the total percentage increase in the floorspace exceeding policy limits. However, the Panel's Lead Officer stated that it was difficult to apply the policy in this case in view of only part of the house being situated in the Green Belt

Having considered the application, Officers were of the view that the first floor extension was modest in scale in relation to the rest of the building and were mindful of the fall-back position which existed from 2004, which allowed for an extension of similar dimensions but with a hipped roof

In respect of overlooking, there were limited views of the neighbouring garden at the property known as 'Pymms', and that most of the views would be screened as the extension was set to the rear of that property. On balance, it was felt there would be no significant loss of privacy and that the recommendation to Panel was to approve the application

Members discussed the application, with the following matters being raised:

- the partial location of a property in the Green Belt and how this situation had arisen
- the changes to the landscape in that area over a period of 10-15 years, with a large number of trees being felled and the character of Ling Lane having been altered significantly through the erection of many large dwellings
- that, despite the changes to the area, a significant number of trees remained, with the site of Silver Birches containing an impressive number of trees
- the need to restrict further development from encroaching on the Green Belt, possibly by conditions or the removal of Permitted Development Rights

RESOLVED - That the application be granted subject to conditions to further restrict development on the site

32 Application 13/01879/FU - Amendment to previous approval 12/039151/FU for Change of Use, alterations and extensions of vacant public house to form 7 flats and the erection of a detached retail unit, to include additional block of 4 self-contained flats land at Royal Oak 2 Cross Hills Kippax LS25

Further to minute 46 of the North and East Plans Panel meeting held on 21st February 2013, where Panel approved an application for a change of use of the Royal Oak Public House, Kippax, for a small residential development together with a separate retail unit, Members considered a further report of the Chief Planning Officer on an amendment to that approval in the form of an additional block of 4 self-contained flats

Plans, photographs and graphics were displayed at the meeting. It was noted that a site visit had been undertaken by Panel prior to approval of the previous scheme, in February 2013

Members were informed that approval was being sought again for the whole scheme, not just the additional element

If minded to approve the application, it was stated that condition 9 as set out in the submitted report would also include the reinstatement of the footpath. In respect of the S106 Agreement, that the wording of the recommendation be amended to include the usual paragraph stating in the event that the S106 had not been completed within 3 months of the resolution to grant permission, then determination of the application be delegated to the Chief Planning Officer

Members were informed that the previous proposals for a block of 6 flats had been deleted from the scheme which was approved in February 2013 and that English Heritage had not raised any objections to those larger proposals. Although the organisation had not provided any comments on the current proposal, it was felt that as the scheme was less intensive, Officers could present it to Members for determination without further comments from English Heritage

Members commented on the following matters:

- the S106 Agreement and whether changes brought in by Central Government would affect what was claimed in this case. The Head of Planning Services stated that the right to challenge was in respect of viability in relation to affordable housing and that the new guidance did not apply to this application as the only contribution being offered was for greenspace
- the objections raised about possible noise and activity at the site and the reasons for this. Members were informed that this related to the residential use being a 24/7 use, unlike a public house use which had set opening times
- the design of the proposals

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted report and the completion of a Section 106 Agreement to secure the following contribution:

- contribution towards off-site greenspace of £29,304

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

33 Application 10/01412/OT - Outline application to lay out access and erect 79 dwelling houses on land off Queen Street Allerton Bywater LS26

Plans, photographs and artist's impressions of the proposals were displayed at the meeting

Members considered a report of the Chief Planning Officer on an outline application for a residential development for 79 houses. Panel noted that the proposals had been considered as a position statement by the former Plans Panel East at its meeting held on 6th October 2011 (minute 97 refers)

An exempt supplementary report which contained information about the viability of the scheme had also been submitted. The Chair informed Panel that Ward Members were satisfied with the contents of the proposed S106 Agreement and in view of this suggested that if the contents of the exempt report did not require discussion that the public could remain in the meeting

Discussions took place on this and on the understanding that the Ward Members had received all of the relevant information, then it was accepted that the detailed matters relating to viability contained within the exempt report did not need to be considered, in this case

Officers presented the report and informed Panel that the 79 dwellings would be arranged around a simple road network and would comprise predominantly detached and semi-detached family houses. An area of on-site greenspace would be provided which would also house the underground storage tanks, which would be required as part of the drainage strategy for the site. Members were informed that provision of underground storage tanks was a feature on the neighbouring Taylor Wimpey site to ensure appropriate discharge rates were achieved and that water would be discharged into the watercourse adjacent to the south west corner of the site

In terms of links between the two sites, Members were informed that pedestrian and cycle links would be provided

RESOLVED - To approve the application in principle and defer and delegate final approval to the Chief Planning Officer subject to the conditions specified in the submitted report and the completion of a Section 106 Agreement to secure the following:

- 4 affordable units (2x submarket and 2x social rented)
- a total financial contributions pot of £503,989 (less £43,730 should the on-site greenspace be maintained at the applicant's own expense) to be spent towards the contributions listed in paragraph 10.15 of the submitted report, with the final detailed apportionment to be agreed with Ward Members
- drainage contribution of £12,280 (paid to Taylor Wimpey)
- an accelerated programme for the delivery of the scheme
- local employment and training initiatives during the construction phase
- footpath/cycle links to be provided

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

34 Date and Time of Next Meeting

Draft minutes to be approved at the meeting
to be held on Thursday, 5th September, 2013

Thursday 5th September 2013 at 1.30pm in the Civic Hall, Leeds