

NORTH AND EAST PLANS PANEL

THURSDAY, 24TH JULY, 2014

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

16 Chair's opening remarks

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

17 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of the following parts 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 of them of exempt information as designated as follows:

The reports referred to in minutes 24 and 25 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that 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 applicants. 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

18 Late Items

The Chair admitted one late item of business to the agenda, this being a report on Application 14/00575/FU – 56 The Drive Crossgates LS15. The report was not available at the time the agenda was despatch and required urgent consideration as the report related to a site where a development exists in breach of planning control and causes significant harm to the character and amenities of the area. To further delay the determination of the application would serve to exacerbate that harm. A copy of the report had been made available to Members in advance of the meeting and had been published on the Council's website

19 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. However, Councillor R Grahame brought to the Panel's attention that in respect of Application 14/00575/FU, 56 The Drive LS15, his wife, Councillor P Grahame, was a Ward Member for the Crossgates and Whinmoor Ward, (minute 34 refers)

Councillor Macniven also brought to the Panel's attention that in respect of application 13/03606/FU, Devonshire Lodge, Devonshire Avenue LS8, she was a Ward Member (minutes 23,24 and 26 refer)

20 Minutes

The Panel considered the minutes of the North and East Plans Panel meeting held on 19th June 2014

With reference to minute 9, Application 13/04814/FU – Greythatch Scarcroft LS14, concerns were raised that the minute had not accurately captured what had been agreed and that revisions to the design of the dwelling were not, as stated in the minute, restricted to the rear of the property

The Panel's Lead Officer stated that he had sought clarification of this by listening to the recording of the meeting and was of the view that the minute was consistent with the recording. He stated that the application had been referred back to Panel as Councillor R Procter remained unhappy with certain elements of the proposals and that it would be for Members to determine the application

The Panel considered how to proceed

RESOLVED – To note the concerns raised about the content of minute 9 but to approve the minutes of the North and East Plans Panel meeting held on 19th June 2014

21 Application 14/01937/FU - Demolition of existing bungalow and erect detached house with double garage - 67 Ling Lane Scarcroft LS14

The Panel's Lead Officer informed Members that a request for a site visit had been made by Councillor R Procter to consider the impact of the proposals on the character of the area and the amenity of the neighbouring property

RESOLVED - That consideration of the application be deferred for one cycle to enable a site visit to take place

22 Agenda order

The Panel's Lead Officer requested a change to the running order of the agenda to bring forward agenda items 14 and 15 as for these items, a representative of the District Valuer was in attendance and had to leave by 3.30pm. The Panel agreed to this request

23 Application 13/03606/FU - Demolition of existing buildings and erect part 3 and 4 storey later living retirement housing accommodation with 41 residential units, communal facilities, landscaping and car parking - Land and buildings adjacent to Devonshire Lodge, Devonshire Avenue Lidgett Park LS8

Plans, photographs, drawings and graphics were displayed at the meeting

Officers presented the report and informed Members that the report incorrectly referred to Devonshire Lodge being part of the application site

Details of the proposals were outlined. Members were informed that the proposed retirement development would comprise 23 one bed units and 18 two bed units, with 27 car parking spaces being provided

The landscaping scheme was outlined, with all but two of the existing trees on the site to be retained. Additional planting would be provided which would include 16 new trees

Members were informed that although the main, circa 1901 building had some architectural merit, it was not a Listed Building; was not within a Conservation Area and had unsympathetic extensions added during its previous use as an orphanage. The building was currently being used as offices

In respect of the S106 contributions which did not deliver the full requirements, a viability assessment had been submitted, with details of this provided to Members as exempt information

At this point, the public were asked to withdraw from the meeting to enable the Panel to consider the information provided in the exempt appendix to the submitted report

RESOLVED - To enter into closed session

24 Closed session - Application 13/03606/FU - Land and buildings adjacent to Devonshire Lodge Devonshire Avenue LS8

Members now considered the contents of the exempt appendix

A representative of the District Valuer was in attendance to provide information and respond to queries and comments from the Panel

Members discussed the information, with the key issues relating to:

- the valuation of the site which had been provided and how this had been arrived at
- the covenant which existed on the site and how this would affect the valuation of the site
- the profit margin
- that higher levels of contributions had been achieved on other schemes when developers had been pressed
- the level of detail contained in the viability assessment; that Joint Plans Panel had sought a standardised formula for such reports and that further detailed information was required
- the need for Planning Officers to work more closely with Asset Management colleagues when Council land was marketed to

ensure the best possible return could be achieved, with a claw back clause in the sale agreement also being considered
RESOLVED – To note the report and the comments now made

Due to the detailed discussions which had taken place on this matter, a suggestion was made in the interests of efficient management of the meeting, that whilst in closed session, to also consider the exempt information in respect of Application 13/02572/FU – site of former Whitebridge Primary School off Cartmell Drive Halton LS15

25 Closed session - Application 13/02572/FU - Lay out of access roads and erect 44 dwelling houses on land formerly occupied by the Whitebridge Primary School off Cartmell Drive Halton LS15

The Panel considered the exempt information contained in the appendix to the submitted report which related to the financial viability of the proposed development if all of the required S106 contributions were met

A representative of the District Valuer was in attendance to respond to queries and comments from Members

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

- the level of developer return on the scheme
- the extent of the Officer negotiations to achieve an improved level of contributions
- the need for greater consideration to be given to future land use when sites were sold by the Council

RESOLVED - To note the report and the comments now made

At this point the public were invited to resume their seats in the public gallery

26 Application 13/03606/FU - Land and buildings adjacent to Devonshire Lodge Devonshire Avenue LS8

With reference to the discussions set out in minutes 23 and 24 above, the Panel heard representations from an objector who attended the meeting and provided information which included:

- the demand for employment land in this area and the loss of this if the application was approved
- the demand for later living accommodation in this area in view of the length of time taken to sell similar units in the locality
- the height of the proposed building
- the impact of the proposals on Devonshire Lodge
- drainage and flooding issues due to a more intensive use of the site
- the need for an additional condition for temporary access to the users of Devonshire Lodge to ensure they were not affected during the construction process

The Panel then heard representations from the applicant's representative who attended the meeting and provided information which included:

- that a need existed in this area for retirement accommodation
- that the accommodation would be managed

Members discussed the application and commented on the level of car parking being provided for the various uses associated with such a scheme. Members also discussed the extent of the scheme; that this was below that required to trigger certain S106 contributions and that further details were needed in respect of the viability assessment

Having considered all the information provided, it was

RESOLVED - To defer determination of the application for a more detailed report on viability

27 Application 13/02572/FU - Application to lay out access roads and erect 44 dwelling houses on land formerly occupied by the Whitebridge Primary School off Cartmell Drive Halton LS15

With reference to the discussions set out in minute 25 above, the Panel considered an application for access and the erection of a residential development comprising 44 dwellings on the site of the former Whitebridge Primary School, Cartmell Drive Halton LS15

Plans and photographs were displayed at the meeting

Officers presented the report and outlined the design proposals for the development which would provide a range of 2, 3 and 4 bedroom properties, in a conventional layout, with traditional style houses being proposed

In respect of drainage and flooding issues, a flood risk assessment had been carried out and there would be the need to restrict surface water run-off rates which would be achieved through several methods. There would also be a requirement for minimum floor levels to be agreed, with this being conditioned

Members were informed that the Environment Agency (EA) and Yorkshire Water (YW) had considered the flood risk assessment and were of the view that the measures proposed were acceptable

Members discussed the application with the main issues relating to:

- the sustainability of the site, with concerns being raised in respect of impact on public transport and education and that due to the size of the scheme, no financial contribution towards education provision could be sought
- flooding and drainage; the recent floods experienced in this area and concerns that notwithstanding the mitigation measures proposed, the impact of an additional 44 houses on the local drainage system was not acceptable
- the impact of the proposals on highways and the exacerbation of existing traffic problems
- the success of installing CCTV in nearby areas in reducing crime and anti-social behaviour; concerns that CCTV was not proposed for this development which could result in it becoming

- a target for crime and disorder
- the extent of the car parking being proposed, possibly adding to the concerns about drainage and standing water and the possibility of requiring porous materials to be used for areas of hardstanding
- the absence of a representative of the EA and that on applications where there were issues in respect of flooding, that an EA representative should be asked to attend

Officers provided the following further information:

- the Panel's Highways representative stated that the amount of parking on the site was over 200% and would provide each dwelling with at least two parking spaces; that local bus stops were sited close by on Neville Road and that in terms of road traffic accidents, only 1 incident had occurred close to the site in the previous five years; this involving a drunken pedestrian and in view of this Highways were satisfied with the proposals
- that in respect of flooding and drainage, whilst the volume of water in the system would be greater than at present, the key issue was about the impact of that water, which would be mitigated for through on-site balancing and controlled run-off rates. The EA and YW had advised there were technical solutions to deal with the issues and that it would be difficult to substantiate a reason for refusal of the application on these grounds at an appeal
- regarding CCTV, there was no policy in place which required this be provided. However through the layout of schemes, the aim was to design out crime and in this application, there was a good level of natural surveillance built in. Whilst CCTV could not be insisted upon, Members were informed their concerns would be relayed to the applicant

The Panel considered how to proceed

Having considered all the information provided, it was

RESOLVED - i) That the application be deferred and delegated to the Chief Planning Officer, in consultation with Ward Members, to provide more information in respect of how issues concerning drainage and flooding would be addressed and managed and subject to the conditions set out in the submitted report and the completion of a Section 106 Agreement to secure a contributions pot of £133,599 to be directed towards identified local priorities (to be agreed in consultation with Ward Members at the point of implementation and to be incorporated into the Section 106 Agreement

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

ii) To note the request for a representative of the EA to be in attendance on applications where there were issues in respect of flooding

28 **Application 12/03198/FU - Variation of conditions 9 and 18 of application 09/01417/FU to allow opening hours to be 08:00 to 20:00 hours Monday**

Draft minutes to be approved at the meeting
to be held on Thursday, 21st August, 2014

to Friday and 08:00 to 14:00 hours Saturday, no opening on Sundays or Bank Holidays and to allow use to include a nursery/pre-school - New Horizon Community School Newton Hill House Newton Hill Road Potternewton

Further to minute 6 of the North and East Plans Panel meeting held on 19th June 2014, where Panel deferred determination of an application for the variation of two conditions to a previously approved application at New Horizons Community School LS7 for further information on the enforcement issues associated with the site, Members considered a further report

Plans and photographs were displayed at the meeting

Officers outlined the application and enforcement issues as set out in the submitted report

The receipt of further representations from the neighbouring occupier was reported, with these being summarised for Members' information

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

29 Application 13/04814/FU - Two storey side extension incorporating integral garage and two dormer windows to front and rear; single storey rear extension; convert existing integral garage to habitable living space; two dormer windows to front, three dormer windows to rear and insertion of windows to both sides forming habitable rooms in roof space - Greythatch Wetherby Road Scarcoft LS14

Further to minute 9 of the North and East Plans Panel meeting held on 19th June 2014, where an application for alterations and extensions to Greythatch, a detached property situated in a Conservation Area was deferred and delegated to the Chief Planning Officer for further discussions on the proposals, in consultation with Ward Members and referred back to Panel if agreement could not be reached by all parties, Members considered a further report of the Chief Planning Officer

Plans, drawings and photographs were displayed at the meeting. A Members site visit had been undertaken on 19th June 2014

The Panel's Lead Officer presented the report and outlined the revisions which had been made to the scheme in respect of the hardstanding to the front of the dwelling; the appearance of the dormers; window alignment and siting of roof lights

Following consultation with Ward Members some concerns remained in respect of the width of the dwelling if extended and the Juliet balcony to the rear of the dwelling. The application was therefore being returned to Panel for determination

Members discussed the proposals, with the key issues being raised relating to:

- the absence of a Conservation Officer in attendance in view of the site being located in a Conservation Area. The Panel's Lead Officer advised that Conservation Officers did not ordinarily attend Plans Panels and in view of the nature of the

application that it was felt this could be dealt with by Planning Officers

- the extent of the negotiations which took place on the application prior to its consideration at Panel in June
- the need to consider the front elevation of the dwelling as well as the rear
- the different window details being proposed and whether this could be considered to be acceptable in a Conservation Area
- the view of Bardsey Parish Council which had objected to the proposals
- the impact on local residents of the static caravan which had been sited in the front garden of the dwelling for some time
- a requirement for porous materials to be used for the hardstanding
- the dominance of the proposals and the need to protect Conservation Areas

The Panel considered how to proceed. A condition to require the window details to be submitted and approved was made although it was accepted this would not change the shape of the windows

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, additional conditions requiring the use of porous materials for the areas of hardstanding; window details to be submitted and approved and an amendment to condition no 6, to require the siting of further mobile homes/caravans to require the prior written consent of the Local Planning Authority

30 Application 14/01466/FU - Two storey rear extension - 9 Fieldhead Drive Barwick-in-Elmet LS15

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 related to an application for a two storey rear extension at 9 Fieldhead Drive, Barwick-in-Elmet, which was situated within the Green Belt

Members noted there was an extant permission for a smaller scheme which had been granted in 2013

Green Belt policy was outlined in brief, with Members being informed that extensions could be permitted in the Green Belt so long as they were not disproportionate, with a guideline being an increase of around 30% above the original floor area

The application before Members sought approval for a 3.5m rear extension, which was an increase of around 68%, with Officers being of the view an extension of this size would be harmful to the Green Belt. As such, the Officer recommendation was to refuse planning permission with a possible reason for refusal being included in the report before Panel

The Panel heard representations from the applicant who attended the meeting and who provided information which included:

- the proposals represented an improvement on the design of the extant scheme

- that neighbours and the Parish Council were supportive of the proposals
- that revisions could be made to the scheme before Panel
- that the 30% limit for extensions within the Green Belt was only a guideline

The Panel discussed the application, with a proposal to defer determination of the application for further negotiation being made. The Panel considered how to proceed

RESOLVED - That the application be refused for the following reason:

The Local Planning Authority consider that the proposed extensions, by virtue of their overall height, size, scale and siting represent a disproportionate addition to the dwelling which would also harm the openness and character of the Green Belt, and which are therefore considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and as no very special circumstances have been demonstrated, the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006, policy HDG3 of the Householder Design Guide as well as guidance contained within the National Planning Policy Framework

31 Application 14/0667/FU - Variation of condition 2 (hours of lighting) of approval 31/301/01/FU to allow use of floodlights between 0800 - 2200 Monday to Friday and 0900 - 2100 Saturday, Sunday and Bank Holidays at Wetherby High School Hallfield Lane LS22

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 sought approval for the variation of the hours of operation of an approved floodlighting scheme on an all-weather pitch at Wetherby High School

Members were informed that the key issue in this case was the potential for light pollution. Although there were dwellings to the north, there was a planted buffer between the houses and the pitch and there had been no objections to the application from local residents. A condition limiting the permission to 12 months would be attached to an approval and testing and monitoring of the light pollution would take place before a permanent permission was granted

The Panel discussed the application and commented on the following matters:

- the original permission for floodlights and the content of this. Members were informed that the archived files had been requested
- the impact of floodlights at Boston Spa School, which contrary to information provided did have a significant impact on the local community
- the illumination produced by the floodlights
- the impact of increased light pollution on those nearby areas which had chosen to live in low light conditions

- the light levels in existence from the nearby supermarket
- the need to encourage people to become more active and take up sport

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

32 Application 14/00670/FU - Replacement perimeter fencing to artificial grass pitch at Wetherby High School Hallfield Lane Wetherby LS22

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

Officers presented the report which sought approval for replacement perimeter fencing enclosing an approved all-weather pitch at Wetherby High School

Concerns were raised about the scale and design of the proposed fencing; that it was of an institutionalised appearance and due to it being higher than the existing fencing would be more visible in the locality

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

33 Application 13/00158/FU - Proposed three storey multi purpose community building with basement car parking and revised surface car parking - 46-48 Spencer Place Chapeltown LS7

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

Officers presented the report which related to an application for a multi-use community building with car parking at Spencer Place, with the use of numbers 46 and 48 Spencer Place ceasing upon first use of the new building and then demolition of these two properties within 6 months of first occupation of the new community building

Members were informed that the site was in a predominantly residential area and was close to the new Islamic Centre which had been approved by Panel at its meeting on 19th June 2014. In terms of design, the proposed building was modern and included features which referred to its Islamic use. In respect of scale, there was a significant increase in the extent of the floor space proposed, with the Council's Urban Design Team expressing concerns about the scale of the proposals. The extent of the development would cause the loss of trees on site, some of which were protected by a TPO but a compensatory landscaping scheme was proposed and would include semi-mature trees

An additional condition for no external use of amplification equipment at any time was recommended to Members

In the absence of sufficient information from the applicant, Members were informed that Planning Officers had assumed that Highways would object to the application. The Panel's Highways representative stated that not enough information had been submitted to reach a meaningful consideration of the application but in any event it was likely that Highways

would object, as they had done on the application for a new Islamic Centre at Francis Street, which had been approved by Panel last month

Members discussed the application and raised concerns that important details regarding likely numbers attending and the extent of usage had not been provided. Concerns were also raised about the scale of the building; that the development was overintensive and that protected trees would be lost

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, an additional condition stating no external use of amplification equipment at any time, consultation with Ward Members in respect of highway issues and the times of use and the completion of a Section 106 agreement to secure the following:

- funding and implementation of a Traffic Regulation Order
- the demolition of numbers 46 and 48 Spencer Place within 6 months of the date of first occupation of the multi-purpose building
- the remediation of the resulting site in accordance with a remediation plan to be submitted to and approved in writing by the Local Planning Authority

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 LATE ITEM - Application 14/00575/FU - 4 bedroom detached house incorporating basement (part retrospective) - 56 The Drive Cross Gates LS15

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

Members considered a report of the Chief Planning Officer setting out a further application on the site to address issues of non-compliance with the approved scheme

Officers presented the report and briefly outlined the latest developments in respect of this case, with Members being informed that following refusal of an application in July 2013 by Panel, referral of the matter to the High Court by the applicant and the dismissal of an appeal, the applicant was required to demolish the building to ground floor level within a period of 6 months, from 6th June 2014

The scheme before Panel was originally submitted in January 2014 as an alternative option. Members were informed that a late representation had been received from the applicant's legal representative at the point of the original officer report deadline, which requested further information regarding the content of any undertaking. However, it was the view of Officers that consideration of the application should proceed as previous guidance had been provided

The current proposal was outlined, with Members being informed that the issue with previous applications and what existed on site was that the surrounding properties were two storeys in height and a three storey building

had been constructed. The application now before Panel was a two storey building and that Officers considered the scheme could now be supported. The level of local objection to the application was noted but it was felt that the tone of the objections had mellowed in view of the revisions made to the scheme

In noting the scheme was an improvement on the fallback position, Ward Members and Officers were aware of the length of time this matter had continued for and that in this particular case, there was a need for firm guarantees about implementation of any approved scheme. Officers had sought to obtain this but no draft undertaking had been provided by the applicant to the Local Planning Authority. In view of this, the application was recommended for refusal, with the suggested reason being included in the report before Panel

The Panel heard representations from the applicant who attended the meeting and provided information which included:

- that a resolution to the situation was sought and that the scheme before Panel resolved all of the issues
- that the concerns of neighbours had been listened to and that neighbours had indicated their support for the current scheme
- that an offer to undertake the works was made in public but that the applicant's legal team had been seeking details of what Planning Officers required

The applicant stated that he was willing to give an undertaking to build whatever was granted permission and in a timely manner, within 9 months. The applicant also referred to a letter which had been submitted. The Chair advised that the letter had been submitted too late for circulation to Members

The Panel then heard representations from a local resident who in the absence of the Professor Judge, spokesman of the Cross Gates Watch Residents Association read out a statement, which included the following matters:

- the short notice given that the application was to be considered by Panel
- whilst the proposals were an improvement, issues still remained
- there was a need for guarantees to be given about implementation and timescale and if these were not legally enforceable there was the possibility of further delays occurring

The Panel then heard from Councillor P Gruen who used the remainder of the allotted time to address the Panel and refer to the need in this case to have a tightly controlled and legally binding S106 Agreement to ensure any approved scheme was properly implemented within an agreed timescale

For clarification, the Panel's Lead Officer stated that he had not seen an agreement from the applicant and that he was not aware that the case officer or Legal representative had seen one either, so the contents of such an agreement were not known

The Panel discussed the application with the main issues being in relation to:

- the reasons for the report being a 'late item'
- that the report went beyond the planning merits of the application

The Panel's Lead Officer advised that the application was scheduled to appear on the agenda for this meeting but that at the time the agenda was to be published further representations were made from the applicant's solicitor. Officers sought advice from Legal Services and then decided to proceed, albeit with a late item. Members were also informed that the applicant was required to submit proposals to overcome the harm of what had been built

The Panel continued to discuss the scheme; the nature of the legal advice given and the approach taken to this application

RESOLVED - That subject to legal clarification, to refuse the application for the following reason:

The application proposes extensive alterations to an existing unauthorised building that has itself already been refused planning permission and dismissed at appeal due to the harm it has on surrounding residents' living conditions and also the character and appearance of the site and surrounding area. In the absence of any formal commitment relating to implementation of the development subject to this application there is no mechanism in place to ensure the harm currently being experienced will be remedied. The application in its entirety therefore fails to address the site specific circumstances which exist would be contrary to Policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Plan Review (2006), residential design guide for Leeds 'Neighbourhoods for Living' and the advice contained within the National Planning Policy Framework which combined seek to ensure developments do not adversely impact on residential amenity or the character and appearance of an area

35 Date and Time of Next Meeting

Thursday 21st August 2014 at 1.30pm in the Civic Hall, Leeds