

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 23RD OCTOBER, 2014**

**PRESENT:** Councillor R Charlwood in the Chair

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

### **70 Chair's opening remarks**

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

### **71 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interest however Councillor R Grahame brought to the Panel's attention in respect of application 14/00575/FU – 56 The Drive LS15 – that his wife, Councillor P Grahame was a Ward Member for Crossgates and Whinmoor and was aware of the application and the history attached to it (minute 77 refers)

Councillor J Procter brought to the Panel's attention in respect of application 14/01404/FU Paddock Cottage 7 Moorlands Boston Spa, that he knew the land owner and resided in the same village (minute 78 refers)

Councillor Macniven brought to the Panel's attention in respect of application 14/03196/FU – café within Roundhay Park, that she was a Ward Member for Roundhay, (minute 79 refers)

### **72 Apologies for Absence**

Apologies for absence were received from Councillor Harland, with Councillor Nash attending in her place

### **73 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 25<sup>th</sup> September 2014 be approved

### **74 Application 14/04228/FU - Removal of condition 7 of previous approval 13/04870/FU to allow conversion and alterations to garage to form habitable room and alterations to first floor side windows - 6A Primley Park Avenue Alwoodley LS17**

The Panel's Lead Officer referred to the site visit which had taken place earlier in the day in respect of proposals at 6A Primley Park Avenue and requested that consideration of the application be deferred to enable Officers to examine more closely whether what had been constructed on site was fully in accordance with the agreed plans

**RESOLVED** - To defer determination of the application and for a further report to be brought to Panel in due course

**75 Application 14/01805/FU - Detached dwelling to garden plot - Land to the rear of 16 Park Avenue LS8**

Further to minute 66 of the North and East Plans Panel meeting held on 25<sup>th</sup> September 2014, where Panel resolved not to accept the Officer's recommendation to approve an application for detached dwelling to garden plot, Members considered a further report of the Chief Planning Officer setting out a possible reason for refusal of the application, based on concerns expressed by Members

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

The Local Planning Authority considers that the development of this rear garden with the contemporary style dwelling, incorporating architectural features not common to the locality and which is accessed via a long driveway to the side of the host dwelling, would be out of keeping with the established residential character of the Roundhay Conservation Area and as such would neither preserve or enhance its character and appearance due to its inappropriate design. The proposal is therefore contrary to policies BD5, N12, N13 and N19 of the Leeds Unitary Development Plan Review and the guidance set out at sections 7 and 12 of the National Planning Policy Framework

**76 Applications 14/03111/FU and 14/04107/FU - Grain Store and General Store Sandbeck Lane Wetherby LS22**

Further to minute 67 of the North and East Plans Panel meeting held on 25<sup>th</sup> September 2014, where Panel resolved not to accept the Officer's recommendation for a detached grain store and detached storage building at Sandbeck Lane Wetherby, Members considered a further report of the Chief Planning Officer setting out a possible reason for refusal based upon the concerns expressed by Members. It was noted that as part of the scheduled round of site visits undertaken by Members earlier in the day, this site had also been viewed

A plan showing the ownership of the land was displayed at the meeting  
The Panel considered how to proceed

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

The proposed buildings, by virtue of their scale and bulk and siting on an arterial route into Wetherby, on the approach road to Wetherby Racecourse, can be seen in significant public views of the site, which are

currently not characterised by large modern farm structures. In these views the proposed structures would be out of keeping with the undeveloped character of the locality, and would thereby be harmful to visual amenity. The application is, therefore, contrary to UDPR policies RL1, GP5 and SP2 and guidance contained within Section 7 of the National Planning Policy Framework

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

Further to minute 34 of the North and East Plans Panel meeting held on 24<sup>th</sup> July 2014, where Panel was minded to refuse the latest application for a four bedroom dwelling at 56 The Drive LS15, the Panel considered a further report of the Chief Planning Officer

Plans, drawings and photographs were displayed at the meeting

Officers presented the report and stated that since the meeting in July, significant progress had been made regarding the implementation of the scheme

A brief history of the site was outlined to Members

The current position was that a signed unilateral undertaking had been received from the applicant which committed the applicant to a timetable of works which were designed to secure a timely implementation of the proposed alterations. Following the issue of a planning approval, the applicant would be required to make a start on site within 4 four weeks and practically complete the dwelling seven months after the start. Building Control would be involved in the practical sign-off of the building and in the event the applicant did not carry out the works as prescribed, there was a requirement for the building to be demolished within two months, after that time, the Council would be able to enter on the land, demolish the building, with the applicant being required to reimburse the Council

Receipt of additional comments from a local resident and Councillor P Gruen on behalf of all of the Ward Members were reported, with Councillor Gruen's comments being read out to the Panel

Members discussed the application, with the main points raised relating to:

- the appearance of the dwelling in the streetscene
- the unilateral undertaking; what benefit this was for the Council and the extent of the powers it gave to the Local Authority
- the design of the dwelling
- how any breach of the application would be dealt with

**RESOLVED** - That the application be granted subject to the terms of the unilateral undertaking regarding implementation and the conditions set out in the submitted report. In the event of any breach of the planning permission, this to be reported to Panel for determination on the course of action to be taken

**78 Application 14/01404/FU - Demolition of existing house and erection of 4 detached houses at Paddock Cottage 7 The Moorlands Boston Spa Wetherby LS23**

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

Officers presented the report in respect of an application for the demolition of an existing dwelling and the erection of four detached dwellings at Paddock Cottage 7 The Moorlands, Boston Spa, which was located within a Conservation Area

A correction to the report before Panel was made in respect of paragraph 1.2 of the submitted report, which should have read 'that the design of the house would not be harmful to the conservation area and that none of the category A trees would be harmed'.

Details of the east and west access arrangements; which dwellings currently utilised which access and how the proposed new dwellings would access and egress the site were provided

Design revisions to the houses were outlined, with Members being informed that the houses would be substantial dwellings, constructed out of natural coursed stone, with flat roof dormers and better detailing than the previous proposals. The garages had also been reduced in scale and were of a more acceptable scale in relation to the dwellings

Although many aspects of the scheme were acceptable to Officers, the application was being recommended for refusal based upon highway concerns through sub-standard access visibility on to High Street. It was brought to Members' attention that an existing wall would be removed to marginally improve visibility, however Officers concerns remained

The Panel heard representations on behalf of the applicant who provided information which included:

- the increase in the use of the eastern access arising from the proposals, which would be one net user and not an increase from two to five dwellings as set out in the report
- the guidance used by the Council to assess the highway aspects of the application
- details of improvements to the eastern access
- the lack of accidents at the junction within the last five years

The Panel heard representations from two members of the local community, one who represented the Parish Council and who provided information which included:

- the number of properties which would use the east and west access and highways concerns
- the level of public opposition to the proposals
- speed checks carried out by the police
- that the site could be accessed from the adjacent Churchfields site
- access not in accordance with the Street Design Guide

- the impact of the proposals on emergency vehicular access and refuse servicing

Members commented on the application, with the main issues being raised relating to:

- the number of users and traffic that would use the east and west access points
- inconsistency of approach to applications, with an application for five dwellings at 134-140 High Street Boston Spa being cited, which was granted. The differences between the two applications were outlined to Panel by the Highways Officer, with it being explained that at 134-140 High Street the five dwellings replaced several commercial units which could generate more traffic than the five dwellings, which was subsequently accepted by the Inspector
- the relevant design standards that should be used. The Highways Officer clarified that whatever design standard was used, including the Street Design Guide, the access visibility was considered to be severely substandard
- the impact on visibility of the removal of the wall. The Panel's Highways Officer accepted that this would improve visibility but only marginally and the visibility would remain severely substandard and the partial widening of the drive and passing places would be required regardless of the visibility issue
- impact of the proposals on trees

A detailed discussion on the highways issues took place with concerns being raised that the applicant had not demonstrated that road safety issues had been addressed and the counter view being put that a highways solution could be found to make the development acceptable

The possibility of the application being granted on appeal was raised by a Member, with the Panel's Highways Officer stating that the recommendation to refuse the application would not have been brought to Panel if it could not be defended, and highlighted a relevant Inspector's decision in close proximity which was successfully defended despite having better visibility than the eastern access

The Panel considered how to proceed

**RESOLVED** - That the Officer's recommendation to refuse the application be not accepted and that a further report be submitted to the next meeting setting out possible conditions, including a traffic management scheme to be attached to an approval, for Panel's determination

## **79 Application 14/03196/FU - Demolition of former public toilet and construction of new two storey cafe located on Princes Avenue Roundhay LS8**

Plans, photographs 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 of the demolition of the former public toilet and the erection of a new two storey café within

Roundhay Park. The correct address of the application was given as Princes Avenue, not Princess Avenue as stated in the submitted report

Members were informed that the new building would be a timber framed modern structure with smoked glass in aluminium frames and that the applicant had recently agreed to the use of timber shingles on the roof. It was the view of Officers that the design of the café responded to the context of its setting. In terms of height, the cafe would be 3 metres higher than the existing building; it was set well away from residential dwellings and there would be no impact on surrounding trees

Reference was made to an issue raised by objectors in relation to the existence of a covenant which restricted development within the park. Members were informed this was not a material planning consideration

In terms of the demolition, Ward Members had requested this be carried out as quickly as possible

The Panel heard representations from two objectors who outlined their concerns in respect of the proposals, these including:

- the absence of car parking in the scheme and the increased pressure on existing car parks arising from the development
- the design of the building and that this was not in keeping with a Victorian park
- an existing covenant which restricted development within the park

The Panel then heard representations from the applicant's agent and a local businessman who supported the proposals and who provided information to Members, which included:

- design issues and the method of construction
- that the proposals would have no impact on trees
- that employment would be generated through the development
- that the site needed to be redeveloped

Members discussed the application and commented on the following matters:

- that reclaimed stone be used to rebuild the 900mm wall to the Gledhow Lane elevation
- the timescale for the demolition of the public toilet building
- provision of disabled toilet facilities in the new building
- the need to consider the timescales for the work in view of work which was due to commence on Oakwood Clock in January 2015

The Panel's Lead Officer suggested that the application be deferred and delegated to Officers to discuss the timescale with Ward Members

Members welcomed the proposals and the design of the new building  
**RESOLVED** – To defer and delegate approval to the Chief Planning Officer subject to discussions with Ward Members on the timescale for the works and subject to the conditions set out in the submitted report plus additional conditions requiring the provision of timber shingles as the roof treatment for the building; the provision of disabled toilet facilities in the café;

use of reclaimed stone for walling materials at the Gledhow Lane elevation and details of the scheme to deal with surface water drainage to be submitted and approved

**80 Application 14/01568/FU - Two storey side extension including pitched roof to existing side extension and single storey rear extension - 20 Carr Manor Avenue Moortown LS17**

Prior to consideration of this matter, Councillor Wilkinson left the meeting

Plans and photographs 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 related to extensions to an existing dwelling at 20 Carr Manor Avenue. It was felt that the amount of garden which would remain if the extensions were allowed would be inadequate for a family house, with the recommendation before Panel being to refuse the application on the grounds of overdevelopment

The Panel heard representations from the applicant who provided information on the application which included:

- the loss of the garage (required by Officers)
- the existing parking spaces available on the site
- the amount of amenity space which would be retained

Members discussed the application and commented on the following matters:

- the removal of trees within the site which could provide additional space
- the amount of space taken up by the rear kitchen extension
- that further options should be considered rather than refusal

The Panel considered how to proceed

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

The Local Planning Authority considers that the proposal will result in an overdevelopment of the site that will result in inadequate private amenity space provision for the occupiers of this family house and a house with a spatial setting that is out of keeping with, and causes harm to, the established residential character of the area. As such the proposed development would be contrary to Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) and Policy HDG1 of the Householder Design Guide and paragraphs 17, 56, 58, and 65 of the National Planning Policy Framework

**81 Application 14/02619/FU - Change of use of stable including alteration to form one holiday cottage at land off Wetherby Road Scarcroft LS14**

Further to minute 48 of the North and East Plans Panel meeting held on 21<sup>st</sup> August 2014, where Panel deferred determination of an application for change of use of stable including alteration to form one holiday cottage for

additional information, the Panel considered a further report of the Chief Planning Officer

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

Officers presented the report and confirmed that the site was located in the Green Belt, despite the applicant's agent suggesting this was a brownfield site. Members were informed that further information had been submitted on the proposed method of insulating the walling and flooring. Responses had also been received from several LPAs to see how they viewed or had approached similar development, with these being included in the report before Panel

Officers were of the view that the application should be refused, with a reason for refusal being included in the submitted report. If minded to accept the Officer's recommendation, a further reason for refusal was suggested to Panel, relating to the harmful impact of use on the open character of the Green Belt

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

- that the proposals were for a conversion of an existing building
- the extent of the aspects of the building which would be retained
- reference to Paragraph 19 of the NPPF relating to sustainable growth
- that the proposals represented sustainable development and did not impact on neighbours or the Green Belt

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

- the sustainability of the proposals
- the suitability of the building for holiday accommodation
- that the application was in effect for a new house

**RESOLVED** - That the application be refused for two reasons, one, as set out in the submitted report:

The Local Planning Authority considers that the building proposed to be converted is not sufficiently of substantial and permanent construction. The structure would require substantial modification before it could be converted to form a dwelling, to the point at which it could not be considered to be a conversion. As such, the Local Planning Authority considers that the proposed development would be tantamount to the construction of a new dwelling in the Green Belt which would constitute inappropriate development and which is, by definition, harmful. Significant weight must be given to this harm and, in the absence of very special circumstances, the proposal is therefore considered to be contrary to Leeds Unitary Development Plan Review Policies GB4 and the guidance contained within Section 9 of the NPPF

With a further reason relating to the harmful impact of use on the open character of the Green Belt, i.e.

The proposed change of use and redevelopment of the stables to form a C3 dwelling house use is likely to have a harmful impact on the openness of the Green Belt, through the formalisation of a domestic curtilage and



associated domestic paraphernalia which are likely to arise as part of the use. The application is therefore contrary to guidance contained within Paragraph 89 of the NPPF

**82 Application 14/05397/FU - New pitched roof and alterations to detached garage to form outbuilding - 50 The View Alwoodley LS17**

Plans and drawings were displayed at the meeting

The Panel's Lead Officer presented the report which sought approval for a new roof and alterations to a detached garage to form an outbuilding at 50 The View Alwoodley. Members were informed that in design terms the proposals were acceptable and that no concerns had been raised regarding parking or neighbours. However the application had been brought to Panel for determination as the applicant was an Elected Member

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

**83 Date and Time of Next Meeting**

Thursday 27<sup>th</sup> November 2014 at 1.30pm in the Civic Hall, Leeds