

NORTH AND EAST PLANS PANEL

THURSDAY, 29TH OCTOBER, 2015

PRESENT: Councillor N Walshaw in the Chair

Councillors R Grahame, M Harland,
C Macniven, J Procter, G Wilkinson,
B Cleasby, B Selby, S McKenna,
P Wadsworth and M Coulson

77 Chair's opening remarks

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

78 Appeals against refusal of inspection of documents

There were no appeals against the refusal of inspection of documents

79 Exempt Information - Possible Exclusion of the Press and Public

Minute 86 refers

80 Late Items

There were no formal late items, however the Panel was in receipt of additional information, classed as exempt under Access to Information Procedure Rule 10.4 (5) which related to legal advice provided by Counsel, which was tabled during discussions on application 14/00575/FU – 56 The Drive Ls15 (minute 86 refers)

81 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however in respect of the pre-application proposals for Roundhay School, Councillor Macniven brought to the Panel's attention that she was a Governor at the school and that she lived adjacent to the site (minute 93 refers)

82 Apologies for Absence

Apologies for absence had been received from Councillor A McKenna, with Councillor Coulson in attendance as a substitute

83 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 1st October 2015 be approved

84 Matters arising from the minutes

With reference to 75 of the meeting held on 1st October 2015, relating to applications at Marks and Spencer at Wetherby, Councillor Wilkinson raised the matter and set out that whilst it had been agreed that a meeting would take place with representatives of Marks and Spencer and Ward Members, this had not taken place. It was stated that a letter would be put together from the Chair, reminding Marks and Spencer of their undertaking to the Panel

85 Application 15/01613/FU - Formation of pond (retrospective) and proposed landscaping scheme - Land adjacent to Grove Manor Wetherby Road Scarcroft LS14

Councillor J Procter requested deferral of this application to enable a site visit to take place. He advised that the matter was complex and that consideration should be given to what was around the site, with a site visit enabling a better understanding of the issues involved

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

86 Application 14/00575/FU - Update in respect of progress of the development granted by planning permission 14/00575/FU at 56 The Drive Cross Gates LS15

Further to minute 69 of the North and East Plans Panel meeting held on 1st October 2015, where Panel received an update on the works to implement Application 14/00575/FU at 56 The Drive Cross Gates LS15, Members considered a further report of the Chief Planning Officer. A Members site visit had taken place earlier in the day

The Chair raised a preliminary matter relating to speaking on enforcement cases as the public speaking protocol for Plans Panels was silent on the issue of speaking on enforcement cases. A request to speak had been received from two Ward Members and the applicant had been notified of this but had not attended or nominated a representative to speak. The Chair sought the view of Panel as to whether to allow the Ward Members to speak, with Panel agreeing to this

Officers then presented the report

Plans and drawings were displayed at the meeting

Reference was made to the progress updates which Panel had requested at the previous meeting and the further works which had taken place since 1st October 2015

Members were advised that the temporary solution in respect of the doors was due to the applicant's desire to install underfloor heating

The discrepancies between what was on site and the approved plans were outlined in relation to windows, with Officers advising these differences would not impact on the amenity of neighbours and that the differences could be dealt with by a non-material amendment to replace the agreed plan with the one displayed at the meeting, if Members were accepting of this

The Panel then heard from Councillor P Gruen who outlined continued concerns about this matter, which included:

- the nature of the applicant and that previous guarantees he had given had been reneged upon
- that no certificate of completeness had been provided
- the quality of the works which were being undertaken on the property
- the longstanding nature of this case and the need for it to be satisfactorily resolved for the residents who had endured this situation for many years
- the need for the Council to maintain the pressure on the applicant to bring this matter to a close

The Panel also heard from Councillor P Grahame who stated that the way in which local residents had been affected by this matter should be taken into account. Concerns were also raised about the safety of the structure, particularly in the event of severe weather

Members discussed the matter with concerns being raised about the approach which had been taken by Planning Officers in this case; the seeming acceptance of elements of the scheme which might have been refused on other schemes; the length of time this matter had been continuing and the need for Officers to follow up on works relating to landscaping and internal works. Concerns were also raised about who would live in the property and that the Council had a strategy to deal with unoccupied properties. Concerns were also raised about the untidiness of the site; the quality of the building and the lost revenue to the Council from Council Tax, in view of the length of time this matter had been ongoing. Members sought clarification on what options were available to the Panel in respect of trying to bring the matter to a resolution

Members were informed that it was the applicant's intention to move into this dwelling and that in terms of the wider site, there were planning conditions relating to landscaping

The Panel's Legal Adviser referred to Counsel's advice and suggested the Panel might need to go into private session. Discussion took place on the reasons for this, with Members being informed that legally privileged advice from Counsel would be considered and further legal advice might be required. A copy of the advice obtained from Counsel was circulated to Members by the case officer

The Panel considered this issue and passed the following resolution:
RESOLVED - That the public be excluded from the meeting during discussions on this matter as if members of the public were present there would be disclosure to them of exempt information as designated as follows:

Discussions referred to below and information comprising Counsel's advice under Schedule 12A (3) Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) and on the grounds that there would be disclosure of information in respect of which a claim to legal

professional privilege could be maintained. It is considered that if this information was in the public domain there would be potential legal implications in respect of the information discussed

The public withdrew from the meeting at this point

Members discussed the current position as seen on site and possible options to resolve this long-standing matter. The Panel's Legal Adviser outlined Counsel's advice; the terms of the Unilateral Undertaking and referred to the further works which had been carried out by the applicant. Mention was also made to an issue referred to in Counsel's advice regarding taking action directly affecting the applicant

Councillor R Grahame brought to the Panel's attention at this point that his wife was involved in this matter through being a Ward Member

The Panel's Lead Officer sought to explain the rationale in accepting the scheme before Members, with reference to the applicant's fallback position and advised that the discrepancies could be dealt with by a non-material amendment which could be brought to Panel, although it was the view of Officers that no harm to residential amenity and the streetscene arose through these alterations

The Panel discussed the issues with the key points relating to:

- the advice sought and obtained from Counsel
- the costs incurred by the Council so far in dealing with this case
- the issuing of a final certificate in full and timescales related to this
- non-compliance of the Unilateral Undertaking in respect of not achieving a practical completion as defined
- the comments made and the way forward, having regard to Panel's previous resolution regarding demolition

At this point, the public were readmitted to the meeting

Members continued to discuss the matter with concerns being raised about the amount of work remaining and aspects of the building which were not in accordance with the approved plans; the quality of the work being undertaken from a public safety perspective and the need for the Council's Building Control Section to carry out an inspection of the building, with a special meeting of the Panel being arranged to consider the findings of this inspection

The fairness of Officers in dealing this case was recognised but the view was expressed that the good nature of Officers and Ward Members had been taken advantage of and that in this case, the interests of the local residents had not been best served

The possibility of undertaking a Scrutiny Inquiry into Planning Enforcement was raised as was further consideration of the public speaking protocol by Joint Plans Panel

Members considered how to proceed

RESOLVED – i) That due to non-compliance with the applicant's Unilateral Undertaking in respect of not achieving practical completion (as defined), to proceed with arrangements to effect the demolition of the property
ii) That the Chief Planning Officer be instructed to arrange for Council Building Control Officers to visit 56 The Drive Cross Gates LS15 within 7 days of this Panel meeting due to safety concerns and report back to a special meeting of North and East Plans Panel on 12th November 2015
iii) That action be taken in respect of tidying up the site including consideration of the serving of a S215 Notice

87 Application 14/03958/OT - Outline application for residential development on former depot site - Land off York Road Killingbeck Bridge and Selby Road LS14

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

Officers presented the report which sought outline approval for a residential development on a former highways depot on land off York Road, Killingbeck Bridge

Members were informed that the access arrangements had been amended from what had been initially proposed and whilst Highway Officers were content with these, subject to appropriate conditions, local concerns remained about highways safety, with a further representation being reported on this issue

The scheme would result in some tree loss but this would be off set with an on-site in lieu Green Space contribution forming part of a S106 agreement

The Highways Officer attending the meeting provided information on the access arrangements which would be from Killingbeck Bridge and explained why this was considered to be more preferable than from Selby Road, which some objectors to the scheme had raised as a possible route

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

- access arrangements
- tree loss
- housing mix with concerns that what was indicated on the plan appended to the report did not comply with the housing mix for Leeds. Members were informed that the housing mix would form part of the Reserved Matters application and that the applicant had been advised that the mix suggested would not be supported

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report (and any others which he might consider appropriate) – together with consultation with Ward Members, particularly around conditions and if no agreement was reached to submit a further report to Panel for determination - and the completion of a S106 agreement to secure the following:

- affordable housing – 15% (with a 60% social rent and 40% submarket split)
- on-site in lieu Green Space contribution towards improvement of local facilities
- employment and initiatives (applies to the construction phase)
- provision of a lit footway to Killingbeck Bridge

In the circumstances where the Section 106 agreement has not been completed within 3 months, the final determination of the application shall be delegated to the Chief Planning Officer

88 Application 15/05018/FU - Mixed use development of 9,980 sqm general industrial (B2 use) unit, a 2,055sqm general industrial unit (B2use) and storage and distribution (B8 use), and two drive through restaurants - Land at Coal Road Whinmoor LS14

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 a mixed use, industrial development with two fast food/coffee shop outlets on land at Coal Road LS14

Members were informed that additional information relating to highways matters had recently been submitted as had a revised layout plan, with this information still being assessed by Officers. The revised layout plan showed the building to be sited further away from the boundary and the trees, some of which were covered by a Tree Preservation Order

As the highways matters remained under assessment and conditions relating to highways could change from those within the submitted report, if Panel agreed to defer and delegate approval of the application, it was proposed to consult further with Ward Members

Officers sought an amendment to the proposed conditions to delete condition No. 7 which related to opening hours restrictions

Members considered the application and commented on the following matters:

- that the site was in the Cross Gates and Whinmoor Ward but also bordered Killingbeck and Seacroft Ward and the need for both sets of Ward Members to be consulted
- the wording of the training and employment condition and that both Wards should be included in this
- highways issues, local concerns about rat running at Coal Road
- car parking levels; the impact of additional traffic at junctions the Coal Road and A58 junctions and the need for the Coal Road/Ring Road junction to be considered
- that as the highways issues were still being assessed, whether Members could reach a decision at this stage
- the need for the land to be developed

The Panel's Highways Adviser stated that a package of measures to be funded by the applicant which would include 30mph speed limit; traffic calming and TROs would be put in place. A pedestrian safety scheme had

been requested with this requiring approval before implementation and also that analysis of a number of junctions was still to be concluded with both safety and capacity concerns. In relation to traffic generation, it was felt the amount of traffic from the site might not be so much as to greatly impact on nearby junctions but that this would be known on completion of the analysis and it was acknowledged that there was a limit on how much developers could reasonably be asked to fund towards highway measures

The Panel considered how to proceed

RESOLVED – To defer and delegate approval to the Chief Planning Officer to allow further negotiations with Officers to take place on the outstanding matters outlined in the submitted report and the points raised about highways, specifically the impact on the junctions at the A58 and Coal Road and Coal Road and the Ring Road; the wording of the training and employment condition to include the Killingbeck and Seacroft Ward as well as the Cross Gates and Whinmoor Ward, in consultation with both sets of Ward Members and for details of the external materials to be submitted and approved

89 Application 15/04344/FU - Single storey side and rear extension; re-siting and conversion of a garage to habitable room; extend existing driveway - 73 Buckstone Avenue Moortown LS17

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

Officers presented a report which sought approval of extensions to 73 Buckstone Avenue; the re-siting and conversion of an existing garage to form a habitable room and the extension of the existing driveway for the re-sited garage which would be sited approximately 3 metres further back from its current position

The planning history of the site was referred to with Members being informed that the application sought to overcome the concerns about the impact on neighbours of the previously refused scheme

If minded to approve the application, condition No. 5 required amendment to state that no windows to be inserted in the side elevations of the extension

A correction to paragraph 7.1 of the submitted report was made, with Members being advised there had never been any concerns relating to the widened access/parking

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

- drainage and possible flooding issues. A condition was proposed to require permeable paving to the front of the property
- the impact of the proposals on the streetscene
- the relocation of the garage and the amount of space being provided for a vehicle
- the possibility in the future of the room being linked to the house
- that inaccurate drawings had been presented to Panel in that windows were shown on the side extension which Members had

been informed would not be inserted and that alterations should be dealt with by the submission of revised plans

- detailed design issues relating to the half landing window

The Panel's Lead Officer accepted the point made regarding the inclusion of inaccurate details and apologised for this. On the issue of the half landing window, Members were informed that whilst the proposal was not desirable, a balance had to be reached on this relatively minor design detail

The Panel considered how to proceed

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, subject to an amendment to condition 5 to specify no windows to be inserted in the side elevation; an additional condition to specify permeable paving to be used on the driveway and details of a suitable bin store to be submitted and approved

90 Application 15/04422/LA - Horticultural glasshouse at Whinmoor Grange York Road Scholes LS15

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for a new horticultural glasshouse for Leeds City Council as a replacement facility to the existing site at Red Hall. The site was located in the Green Belt and due to its size and impact was a departure from the development plan, with the application having to be referred to the Secretary of State

Members were informed that the proposals would provide a more energy efficient development for the growing and cultivation of plants and flowers. Like at Red Hall, a small sales and display area would be provided together with ancillary offices. The equivalent of 70 full-time jobs would be provided through the development

Additional planting was proposed around the site which over time would lessen the visual impact of the structure

Details of the access arrangements were outlined

Members discussed the application with concerns being raised in relation to:

- the statement that as part of the highways arrangements part of Thorner Lane would be stopped up for works being progressed as part of the East Leeds Orbital Road and the lack of consultation on this
- the need to consider the signage to the site and that this and the gates should be well set back
- whether there was merit in realigning the access road
- the length of the open roadway in open countryside

RESOLVED - To defer and delegate to the Chief Planning Officer for approval subject to the conditions set out in the submitted report, consultation with Ward Members about the signage, boundary and entrance treatments and following referral and consideration of the application by the Secretary of State

91 Application 15/02915/FU - Single storey side and rear extension including raised decking area with steps and balustrading - 19 Chelwood Avenue Moor Allerton LS8

Further to minute 55 of the North and East Plans Panel meeting held on 27th August 2015, where Panel deferred and delegated this application for consultation with neighbours to seek amendments to the proposals, the Panel considered a further report

Members were informed that whilst alterations to the roof line had been made, the neighbour remained unhappy and wished to see a fully hipped roof, whereas the applicant wished the application to be determined as amended

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

92 Application 14/02619/FU - Stables off Wetherby Road Scarcroft LS14 - Appeal decision summary

Further to minute 81 of the North and East Plans Panel meeting held on 23rd October 2014, where Panel refused planning permission for change of use of a stable including alterations to form one holiday cottage, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by against this decision

It was the decision of the Inspector to allow the appeal but to refuse the application for costs submitted by the applicant

Concerns were raised by Panel about the decision the Inspector had reached in this case

RESOLVED - To note the report

93 Preapp/15/00768 - Roundhay School Old Park Road Roundhay LS8

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

The Panel considered a report of the Chief Planning Officer setting out pre-application proposals for a three storey detached extension and new synthetic pitch with flood lighting at Roundhay School and received a presentation from the applicant's representatives

Plans, graphics and photographs were displayed at the meeting

Members were provided with information on the proposals, which included:

- the need for the extension
- the site context; its proximity to residential dwellings and the fact that the site was in a Conservation Area
- access arrangements including those for the construction phases
- tree retention
- proposed materials which would be brick at lower levels and render at upper levels with some full height glazing
- the aim to create an aspirational environment for students

- timescales, with the project hoping to start in April – May 2016 and taking a year to complete, subject to obtaining planning permission

In commenting on the specific issues raised in the report, the Panel provided the following responses:

- that Members were supportive of the principle of developing this part of the school site
- that in terms of the architectural quality of the building and the proposed synthetic pitch with flood lighting, Members stressed the importance of protecting residential amenity. Members were informed that a lighting assessment would be required and that consultation would take place with the Council's Environmental Protection Team and local residents. Members welcomed the news that there would be a community use agreement for the playing pitch
- Members were satisfied with the proposed highway matters and car parking measures with the view being expressed that this would improve the current situation
- on whether any submitted application could be dealt with under delegated powers, the Panel discussed this and concluded that this could take place in consultation with Ward Members and that in the event of any difficulties, the application should be referred to Panel for determination

RESOLVED - To note the report, the presentation and the comments now made

94 Date and Time of Next Meetings

Thursday 12th November 2015 at 1.30pm in the Civic Hall, Leeds
Thursday 3rd December 2015 at 1.30pm in the Civic Hall, Leeds