

## **Plans Panel (East)**

**Thursday, 3rd November, 2011**

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
P Gruen, G Latty, M Lyons, C Macniven,  
K Parker, J Procter, R Pryke and D Wilson

### **100 Chair's opening remarks**

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

### **101 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 – 12 of the Members Code of Conduct

Application 11/02744/FU – Middleton Arms Middleton Park Road LS10 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had been consulted on the proposals (minute 105 refers)

Application 10/026444/FU – Paddock House Cleavesty Lane LS17 – Councillor Procter declared a personal interest as he knew one of the applicants (minute 106 refers)

Application 11/03814/FU – 69 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 112 refers)

### **102 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 be approved

### **103 Application 10/04762/OT - Outline application for residential development land adjoining 7 Waterwood Close West Ardsley WF3**

Further to minute 94 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 where Panel further deferred consideration of the outline application for residential development to enable clarification to be sought from Executive Board on housing on unallocated Greenfield sites, the Panel considered a further report of the Chief Planning Officer

A site visit had taken place earlier in the day which some Members had attended

The Panel's Lead Officer presented the report and informed Members that the applicant had submitted an appeal against non-determination so that the determination of this application now rested with the Planning Inspector. The appeal would be dealt with by an Informal Hearing, with this expected to take place early in the new year

Members were informed that since the last meeting, Officers had again considered the application carefully and having applied all of the relevant planning tests, were of the view that reasons for refusal could not be put forward which would stand up at appeal

In view of this, the Panel was being asked to agree not to contest the planning appeal against non-determination, with Members being informed that the applicant would be invited to re-submit an application which would be dealt with under delegated authority

A representation from Councillor Dunn was reported which raised concerns that if the application was granted it would set a precedent and result in green areas of the city being built upon

A proposal to agree the recommendation was made and seconded

Concerns were raised that the Panel's resolution on this matter had not been complied with, i.e. to seek clarification from Executive Board on paragraph 2.2 of the previously submitted report and the reasons for this

The Chief Planning Officer who attended for this application stated that the Chair of Executive Board had been contacted who considered that the paragraph captured accurately the position on unallocated Greenfield sites, and had referred the matter back to Panel

**RESOLVED** - To note the report and not to contest the planning appeal against the non-determination of planning application 10/04762/OT

#### **104 Application 11/02650/FU - Demolition of existing house and erection of replacement detached house - 16 Nook Road Scholes LS15**

Plans, drawings and photographs were displayed at the meeting

A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for the demolition of the existing house at 16 Nook Road and its replacement with a traditional two-storey gable fronted property with a single-storey side extension on a similar footprint. The application had been brought to Panel at the request of Councillor Rachael Procter who had raised concerns about the design of the proposals

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- that Ward Member comments on this case did not appear to have been passed on by Officers to the applicant
- the lack of consultation carried out with the neighbours
- the issues of stability raised by the objector, with Officers stating that the site was relatively flat; that there was no information regarding the instability of the land and that this matter would be covered by building regulations
- that the inclusion of a chimney was necessary in the design of the scheme

- that if approved, there should be some control as to the time of year when demolition and construction could take place to have regard to visiting House Martins

Members discussed the fact that the Panel's time was being spent on a relatively straightforward application which could possibly have been avoided. Concerns were raised that applicants were made aware of Officer's views on an application but reasonable comments made by Ward Members might not be passed to applicants. The importance of Ward Member involvement in the planning process was stressed, as was the need for consultation by applicants

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, with an amendment to condition 13 to specify the time of year demolition and construction can take place; an additional condition requiring a detailed method statement for the construction works together with consultation with Ward Members about the design of the building

### **105 Application 11/02744/FU - Demolition of public house and erection of single storey retail food store, associated car parking and landscaping at Middleton Arms Middleton Park Road Middleton LS10**

Further to minute 88 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011 where Panel deferred determination of an application for the demolition of the Middleton Arms Public House, Middleton Park Road and its replacement with a single storey retail food store, the Panel considered a further report. A site visit had taken place earlier in the day which some Members had attended

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and informed Panel of the receipt of 5 further letters of representation, one of which raised additional matters. A letter from Tesco's solicitors was also reported which related to retail planning policy and Tesco's intention to submit an application on the site at Benyon House and that this should be considered together with the proposals for the Middleton Arms

Retail planning policies S5 and S9 were outlined for Members' information

Members discussed the proposals and commented on the following matters:

- the impact of the proposals on residential amenity and the possibility of re-siting the building to minimise this
- the practicality of the proposed use as a discount retailer in view of some major retailers taking over discount retailers and how this would affect the use of the site if the application was approved. Members were informed that to alter the use of premises restricted to discount retail use by condition, would require approval to remove the condition
- that although the main building was attractive, several unattractive extensions had been added and that further deterioration of the building was likely
- that no proposals existed to refurbish and reuse the building and that the community would benefit from the employment the application could bring, however further consideration was needed to address the concerns about the impact on residential amenity
- that the decorative brickwork at the front of the building should be salvaged and reused within the new development as a reference to the site's history; if the original pub sign was located, this too should be incorporated into the scheme

Members considered how to proceed

**RESOLVED** - That the Officer's recommendation to refuse the application be not accepted and that further negotiations should take place with the applicant regarding re-siting of the building away from 98 Middleton Park Road; further consideration of the landscaping to be provided; the retention of the lime trees to the front of the building if possible, and if not, high quality replacement trees to be provided within the site or just beyond it; the provision of adequate planting adjacent to 98 Middleton Park Road; the retention and reuse of the decorative brickwork to the front of the building within the scheme; if located, the reinstatement of the Middleton Arms Public House sign within the scheme and that a further report be submitted to Panel setting out the outcome of the negotiations together with detailed conditions to be attached to an approval, for Panel's determination

**106 Application 11/02644/FU - 2 detached houses to site of existing house at Paddock House Cleavesty Lane East Keswick LS17**

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

Officers presented the report which sought permission for two detached houses on the site of the existing dwelling at Paddock House Cleavesty Lane LS17 which was situated in the East Keswick Conservation Area and was adjacent to the Green Belt. Members were informed of an extant permission on the site, in outline, for one additional dwelling in the garden area of Paddock House

An error in the report at paragraph 3.6 was clarified in relation to a footpath on the northern boundary, with Members being informed that this was not a public footpath

In terms of contaminated land issues, additional information had been provided and measures recommended to overcome any unexpected contamination

Officers reported the receipt of three additional letters of representation

The Panel commented on the following matters:

- that some trees had been chopped back and that additional planting was needed to fill the gaps which had been created, facing the Green Belt
- concerns that works to the driveway could disturb tree roots. Members were informed that the Council's Tree Officer had been in discussion with the applicant on this matter and that to protect the tree roots, part of the driveway would be gravelled
- that reassurances were needed about the levels of the proposed dwellings

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report together, with condition no 11 to specify that the dwellings be set at the lower level and additional conditions relating to contaminated land; landscaping and tree protection measures which included a requirement to enhance the landscaping to that part of the site which faced towards the Green Belt

**107 Application 11/02529/FU - Eight x 10m high floodlight columns each with two bracket mounted floodlights (400watts) at junior rugby pitch - Wetherby Sports Association - Lodge Lane Wetherby LS22**

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the provision of eight floodlights to a junior rugby pitch at Wetherby Sports Association, Lodge Lane LS22

Members were informed that although the site was within the Green Belt, sports pitches were classed as acceptable development. The lights serving the sports pitch would have restricted use, with no use at week-ends and limited use Monday-Friday from 17.00 – 22.00. and would be operated by a timer

In terms of impact on residential amenity, it was accepted there would be some impact in the evening but this would be minimised as the lights would be oriented away from residential properties and be pointed downwards

The Panel commented on the following matters:

- that the Council was the landowner
- that floodlights at the two local High Schools were highly visible at considerable distance, with concerns that this would also be the case if the current application was approved
- that further consultation on the proposals with Ward Members was needed as was greater detail on the impact of the lighting on residents
- that the light would be shining across the pitch so it was incorrect to say that this would only be shining downwards
- that a similar problem had occurred in the Rothwell Ward and that a back-mounted baffle had proved effective

The Panel considered how to proceed

**RESOLVED** - To defer determination of the application for further consultation with Ward Members and if agreement could be reached, to defer and delegate approval to the Chief Planning Officer, or if no agreement was reached, to submit a further report to Panel for determination of the application

### **108 Application 11/00793/FU - Laying out of access road and erection of 5 detached houses and garages and new vehicular access to existing semi-detached house on land at 51 Westfield Lane Kippax LS25**

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for five detached dwellings and access on an area of garden land off Westfield Lane, Kippax LS25 which was situated close to the Green Belt and a SSSI (Site of Special Scientific Interest)

Members were informed of previous applications on the site, with an application for nine houses being dismissed on appeal. The Council's reason for refusal relating to development on a Greenfield site was not accepted by the Inspector who in dismissing the appeal for a larger development, had not precluded the possibility of any development on the site

The scheme under consideration was a revised scheme, with Officers' previous concerns relating to height and the garages being addressed

Officers were of the view that the character of the area could support a new development and recommended approval of the application

Members discussed the following matters:

- the importance of seeing all views of the site on visits
- biodiversity and conservation issues; that the report did not provide sufficient detail on the SSSI or about the protected species

- that the land was a garden site and Officers were recommending approval of the application yet the Council had been successfully defending the refusal of such sites at appeal

The Panel's Lead Officer stated that the amendments to PPS3 did not prevent development on garden land and in the cases where the LPA had been successful at appeal, these cases had been won on the impact of the proposals on the character of the area or visual amenity, but not on the principle of development on a Greenfield site

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

**109 Application 11/02359/FU - Single storey extension including new steps with handrail to rear; gable side extension with dormer window to rear; new steps with handrail to rear of existing garage - 24 Chelwood Avenue Roundhay LS8**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and informed Panel that only the rear extension and stairs were to be considered as the rest of the proposals were permitted development

The main issues associated with the application was the impact on amenity of residents at 26 Chelwood Avenue with Members being informed that the proposals would cause additional shadowing although this was not considered by Officers to be so great as to warrant refusal of the application

Receipt of a further letter from the applicant was reported as was an error in condition no 4 in the report which should refer to 26 Chelwood Avenue

The Panel heard representations from an objector who attended the meeting Members commented on the following matters:

- the extent of the overshadowing to 26 Chelwood Avenue and that no sun path analysis had been provided to indicate the extent of the issue
- the lack of consultation by the applicant and the possibility that the issues could have been satisfactorily resolved if this had taken place. The Head of Planning Services responded to this point and stated that it was good practice for applicants to talk to their neighbours about their proposals but as this was not mandatory, Officers were required to validate applications even where no consultation had occurred
- the cumulative impact of the proposals

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, with an amendment to condition no 4 to specify 26 Chelwood Avenue

**110 Application 11/03316/FU - Detached house with garage (amendments to plot 4 of approved application 11/00343/RM) - Little Acres Linton Lane Wetherby LS22**

Further to minute 89 of the Plans Panel East meeting held on 6<sup>th</sup> October 2011, where Panel deferred determination of an application for a detached house with garage at Little Acres Linton Lane Wetherby LS22, (amendment to plot 4 of

previously approved scheme) for a site visit, the Panel considered a further report. A site visit had taken place earlier in the day which some Members had attended. Plans and photographs were displayed at the meeting.

Officers presented the report, outlined the proposals and informed Panel that the site was within a Conservation Area; that no objections had been received from local residents and that all of the trees on the site would be protected.

Members commented on the following matters:

- the lengthy negotiations on this site involving Ward Members; that concerns had been raised that the previous application had reached the maximum amount of development the site could accommodate and that the proposals far exceeded what was agreed in the previous application
- the reason for the application, i.e. a prospective purchaser was seeking a larger property to be built on the site
- the importance of Plans Panels having regard to comments made by Ward Members when considering applications
- that the application highlighted the different economies of Leeds
- how Officers could justify the application as not being over massing. Members were informed that the assessment was the demonstrable harm to the character of the area and the impact on the living conditions of neighbours. As the house would be positioned far back into the site and fully complied with Neighbourhoods for Living, it was felt that reasons for refusal could not be substantiated.

The Panel considered how to proceed. The Chair noted the hard work done by Ward Members to negotiate a reasonable development on this site. Proposals to accept and refuse the application were made and seconded.

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

### **111 Application 11/01051/FU - Three replacement dormer windows to front, replacement dormer window to rear and reduction in height of existing two storey front extension - 61 High Ash Avenue Alwoodley LS17**

Further to minute 34 of the Plans Panel East meeting held on 14<sup>th</sup> July 2011 where Panel deferred determination of an application to regularise aspects of unauthorised development at 61 High Ash Avenue LS17 to enable further discussions with the applicant on the proposals, the Panel considered a further report.

Officers presented the report and outlined the further revisions which had been made to the scheme.

The receipt of 3 further letters of representation was reported.

If minded to approve the application, a further condition was recommended which related to the submission and agreement of the critical dimensions of the proposed works.

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report and an additional condition relating to submission and approval of the critical dimensions of the proposed works.

## **112 Application 11/03814/FU - 69 houses on land opposite Highcroft and Hillside - Selby Road Garforth LS25 - Position statement**

Plans, photographs, drawings and graphics were displayed at the meeting. Officers presented a report of the Chief Planning Officer setting out the position on proposals for a residential development on land off Selby Road Garforth LS25. A previous application for 78 houses on the site had been refused in January 2009 as the Council felt the application was premature and there were outstanding issues relating to highways and flooding. This decision was appealed and the appeal was upheld by the Inspector. The approved S106 Agreement made provision for 30% affordable housing on the site.

Since the appeal decision the Council's policy on affordable housing had changed with the introduction of the Interim Affordable Housing Policy which set the level of provision at 15%, time limited to 2 years to ensure that permissions were implemented reasonably quickly. A Reserved Matters application for 70 houses on the site had been withdrawn in October 2011 and the applicant had subsequently submitted a full planning application on the basis of affordable housing provision of 15%.

The development was proposed to be phased, with work on the first phase to commence in January 2012 which would deliver 22 private units and all of the affordable housing, i.e. 10 units. In 2013, 30 units would be built with the remaining 7 units being constructed in 2014, with the site being completed by June of that year.

Members were informed that there would be a mix of family houses and types comprising detached, semi-detached and terraced properties but no flats would be included in the scheme. The properties would be two and a half to three storeys in height and of a traditional appearance with materials being brick, tile and render.

The Panel commented on the following matters:

- flooding; that the site caused flooding problems around Ninelands Lane and concerns that these issues had not been fully addressed
- that the site currently absorbed water and the implications on the drainage system of building on this site
- concerns that the size of the windows of the proposed properties were small which could lead to more electricity needing to be used and that larger windows should be provided
- that including bungalows for older people should be considered within the mix of affordable housing being provided
- that traffic calming measures should be put in place and funded by the applicant to reduce traffic speed as it goes downhill within the vicinity of the site along Selby Road
- that details were needed of the bin storage/collection on the site, particularly for the terraced properties
- the position of the affordable units in the scheme. Officers indicated the location of this which was in one corner of the site which was not acceptable to the Panel

The following comments were made in relation to the level of affordable housing within the scheme:

- that 30% affordable housing should be provided in line with the approval given by the Inspector
- that Members were unhappy with the issues flowing from the Grimes Dyke appeal decision yet it seemed that developers were benefiting further through the lower levels of affordable housing provision



- that the mix of housing should be reconsidered and increases made to the amount of terraced properties on the site which would then increase the amount of affordable housing to be provided
- that it was clear that the applicant had withdrawn one application and then submitted another one which offered the lower level of affordable housing

The Head of Planning Services referred to a report prepared by DTZ regarding viability and the Council's stance to that report which had been to approve the Interim Affordable Housing Policy which applied to all planning permissions after 1<sup>st</sup> June 2011 for a two year period in order to generate the construction of some schemes. Although noting the Panel's concerns about the implications of this, Members were informed that the policy had generated significant interest which in turn could generate construction, employment and affordable housing. Members were also advised of the need to be consistent in relation to this policy and that Plans West had recently approved a scheme with a lower level of affordable housing than was previously agreed

The Panel's Legal representative stated that the affordable housing policy had been changed for a specific purpose; to deliver developments with the affordable housing being provided within two years, this being something which could not be insisted upon in the previous policy. As the application being discussed was new, when it was to be determined, a reason for refusal could not be substantiated on the level of affordable housing being provided

Members commented further on this issue:

- that it had not been considered that in agreeing the interim housing policy, developers would seek to unpick S106 Agreements which had been signed
- that this issue needed to be considered further, including Executive Board, with a suggestion that the Member/Officer Working Group and Joint Plans Panel consider this initially
- that the whole site could comprise terraced properties which would markedly increase the amount of affordable units to be provided, even at a level of 15%. Some concerns were raised at the effect of this on the site, with the view being expressed that a reasonable mix of house types was required

In response to the specific points raised in the report, the Panel provided the following comments:

- range of house types – generally acceptable although more terraced housing could be considered and that some bungalows should form part of the affordable housing mix, with the affordable units being pepper-potted throughout the site. That the size of the windows of the properties should be maximised to allow good natural light penetration
- in terms of materials, these were generally acceptable although it was felt that the rendered elements should be removed and replaced with brick
- that the creation of two plateaux and landscape buffers was acceptable subject to improved landscaping to be provided
- Members were not satisfied with the planting to the upper slopes of the site

- that in terms of the proposed layout of the development that further details were needed especially the access arrangements between the groups of properties; that properties should meet the principles set out in Secured by Design
- in relation to the height of the dwellings, the two storey buildings were considered to be acceptable but that any three storey dwellings should be sited further back into the site on the lower plateaux
- concerning the relationship between properties and sizes of gardens, it was felt that for family accommodation, garden sizes should be generous, whereas if accommodation for a mix of ages was being proposed, smaller gardens could be considered for some properties
- in respect of the affordable housing provision at 15%, that although this was in line with the new policy, Members were most unhappy at the way the applicant had dealt with the provision on this site; that whilst acknowledging the reasons for the policy change, the ramifications of this were now being seen and that the developer should honour the commitment made and accepted by the Inspector, to provide 30% affordable housing on this site
- that Ward Members should be consulted on the content of the new S106 Agreement

**RESOLVED** - To note the report and the comments now made

(Throughout the discussions on this matter, Councillors Gruen, Parker and Pryke left the meeting)

**113 Date and time of next meeting**

Thursday 1<sup>st</sup> December 2011 at 1.30pm in the Civic Hall, Leeds