

## NORTH AND EAST PLANS PANEL

THURSDAY, 26TH SEPTEMBER, 2019

**PRESENT:** Councillor K Ritchie in the Chair

Councillors D Collins, R Grahame,  
D Jenkins, E Nash, N Sharpe, M Midgley,  
T Smith and J Shemilt

### **SITE VISITS**

The site visits were attended by Councillors Ritchie, Grahame, Nash, Sharpe, Midgley, Smith and Collins.

**34 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**35 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

**36 Late Items**

There were no formal late items. However, supplementary information was provided (a plan showing the proposed extension) in relation to agenda item 8 – 19/04085/FU – Single storey side and rear extension at 14 Morrit Avenue, Halton, LS15 7EP. All Members received copies of the information prior to the start of the meeting.

**37 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests. However the following declarations of non-pecuniary interests were made:

Cllr. Midgley – explained that she was the ward Member for Methley and Kippax and prior to becoming a Councillor she had made a representation against the use of the land off Sandgate Terrace, Kippax. She said that she was coming to this meeting having read the report with an open mind and unbiased opinion, being prepared to make her decision on the application based on the information presented in the report and to Panel.

It was noted that all the Members round the table knew Cllr. Coupar, whose spouse was the applicant for Agenda Item 8 – 19/04085/FU – Single storey side and rear extension at 14 Morritt Avenue.

**38 Apologies for Absence**

An apology had been received from Cllr. B Anderson. Cllr. Shemilt attended the meeting as his substitute.

**39 Minutes**

**RESOLVED** – That the minutes of the North and East Plans Panel held on 22<sup>nd</sup> August 2019 be approved as a correct record.

**40 Matters arising**

Members were advised of the following updates:

Minute 31 – 18/06186/OT Outline Application for a detached dwelling to garden area – 9 Manor Park, Scarcroft, Leeds, LS14 3BW. The applicant has lodged an appeal which is to be dealt with by way of written submissions by the Planning Inspector at the Bristol Office.

Minute 32 –18/06794/FU & 18/06795/LI Community care residential development including extensions to and change of use of listed building at Scarcroft Lodge, Wetherby Road, Scarcroft. This has been referred to the Secretary of State as it represents inappropriate development in the Green Belt. A decision from the Secretary of State is awaited as to whether the application will be called –in for determination. The Planning Officer is still in discussion with Historic England in relation to the permanency of netting at the cricket ground to stop ball strike.

**41 19/00238/FU - CHANGE OF USE OF VACANT LAND TO ONE GYPSY/TRAVELLER PITCH COMPRISING ONE TOURING CARAVAN, ONE MOBILE HOME, ONE DAY ROOM AND ASSOCIATED WORKS INCLUDING NEW HARDSTANDING AND VEHICULAR ACCESS, LAND OFF SANDGATE TERRACE, KIPPAX LEEDS LS25 7BQ**

The report of the Chief Planning Officer set out reasons for refusal on an application for change of use of vacant land to one Gypsy/Traveller pitch comprising of one touring caravan, one mobile home, one dayroom and associated works including new hardstanding and vehicular access on land off Sandgate Terrace, Kippax.

Members had attended a site visit earlier in the day. Photographs and slides were shown throughout the presentation.

The Panel noted that there were no speakers against the recommendation and as such in line with Plans Panel Speaking Protocol no speakers for the recommendation would be able to speak at the meeting. However, at the Chair's discretion, Members would be able to ask questions if necessary of those who had attended to speak for the recommendation.

Members were advised of the following changes to the submitted report:

- Amend to refer to Kippax and Methley ward as opposed to Harewood;
- Correct reason for refusal 1 to CS Policy G6 (as amended by the Core Strategy Selective Review 2019)
- Correct reason for refusal 2 to CS Policy T2 (as amended by the Core Strategy Selective Review 2019)
- A revised tracking diagram has been submitted on 25<sup>th</sup> September 2019, and was with Highways Officers. The diagram seeks to address reason for refusal 2 by widening the access to allow sufficient turning

space into the site without creating conflict with parked vehicles on the street.

Members were requested to give consideration to the officer's recommendations to refuse permission. The reasons for refusal were set out at points 1 and 2 of the submitted report.

Members were advised of the following points:

- The area is predominantly residential;
- Close proximity to a primary school;
- Kippax Neighbourhood Plan, designates this area of allotments and application site as local green space;
- Sykes Field and Carters Field allotments are well used and there is a waiting list for them;
- The applicant has voluntarily submitted an ownership Certificate D for land between the road and the allotments, having undertaken the required notification requirements for the application being submitted. It was noted that, while nothing has been received, should another party say that they also own the land, this would become a civil matter.
- Noted that there is a need for gypsy/ traveller sites in the area;
- The applicant has not demonstrated any special circumstances that exist to account for the loss of green space that would a rise from the change of use;
- The proposed dayroom would be a modest but permanent structure;
- Highways had not had a chance to fully interrogate the newly submitted diagram in relation to widening of the access and as it stands currently the access would be unsuitable, and Sandgate Terrace is a narrow street.
- Officers have considered the requirements under the Public Sector Equality Duty and all other material considerations have been taken into account.

Responding to questions and comments from the Panel, Members were informed of the following:

- An explanation in relation to occupancy of the allotments was provided and it was noted that the allotments were well used and provided plants etc. for Kippax in Bloom;
- It was understood that the site had previously been left as open space before it was sold to the applicant, following which the applicant had tipped hardcore onto the application site;
- No information was available regarding the demand for allotment space from a national perspective. Correspondingly no report had been received from the Castleford and District Federation for Allotments in relation to the impact caused by loss of green space upon the allotments;
- Highways assumed that from the proposal there would only be one touring caravan on the pitch. Their concern was not for the volume of vehicles but for the size of the proposed vehicle and the narrowness of Sandgate Terrace;

- The updated tracking model / diagram submitted had still not considered the 'worst – case' scenario as had been requested by officers, such that concerns remained regarding the ability of a proposed vehicle to access the site safely;
- It was noted that 1,000 people had sent in objections to the proposal and it was noted that the applicant had not provided any special circumstances in the context of planning policies to account for the proposed loss of greenspace;
- It was noted that the Local Neighbourhood Plan had stated that this site was designated as green space not greenbelt, however the same tests apply in the unusual situation arising from the designation / status within this particular Neighbourhood Plan;
- The applicant had been made aware of the meeting date and of the Plans Panel Speaking Protocol, it was not known why the applicant had not attended;
- Members were provided with information should the applicant take this recommendation to appeal, but with confirmation that officers could not in any way predict or envisage what decision / use of the land may result if the matter was later determined at appeal.

Members were advised that reason 2 required a slight amendment to the wording to clarify that concerns exist regarding highway safety matters at both noted highway points. As such, officers suggested that the recommendation should be to defer and delegate to the Chief Planning Officer to allow this slight amendment to be made.

At the conclusion of discussions Cllr. Nash moved to refuse the application and to defer and delegate to the Chief Planning Officer in relation to amendments for reason 2. Cllr Smith seconded the recommendation. This was then put to the vote.

**RESOLVED** – To refuse the application and to defer and delegate to the Chief Planning Officer to slightly amend the wording to reason 2.

**42 19/04085/FU - SINGLE STOREY SIDE AND REAR EXTENSION 14 MORRITT AVENUE, HALTON, LEEDS, LS15 7EP**

The report of the Chief Planning Officer set out an application for a single storey side and rear extension at 14 Morrith Avenue, Halton, LS15 7EP.

The Panel were informed that the application had been brought to Plans Panel for consideration as the applicant was the spouse of an Elected Member of Leeds City Council.

Members had visited the site earlier in the day. Photographs and slides were shown throughout the presentation,

Members were informed of the following points:

- The proposal would see the demolition of the conservatory to the rear and the erection of a single storey extension as set out at point 2.2 of the submitted report;
- The current scheme had been the subject of negotiations and these were provided at point 5.1 of the submitted report;
- The originally proposed side extension had been amended to provide a single bay window, replicating an existing feature in the same elevation;
- No objections had been received;
- Condition 4 to be amended to refer to erection and retention of boundary fence to prevent overlooking from the new bay window to the side. It was noted that the fence was to be retained for the lifetime of the development;
- Additional conditions to include:
  - Details of boundary treatment to common boundary with No.16 to be submitted, approved and implemented; and
  - Details of scheme of protection of vegetation to be submitted and implemented.

Members were also advised of the following in relation to point 10.14 – Clarification for extent of ‘larger home extension’. The applicant could have applied for a larger home extension up to a depth of 6m. Given the depth of this extension and the lack of any objection, a form of extension could have been allowed as Permitted Development. In this case, it would require some amendment to the roof (i.e. likely a flat roof), or the whole extension as proposed being set down into the site so as not to breach the 4m height limit.

Members’ discussions included:

- The need to protect the shrubs and the trees and their roots during construction;
- That the inclusion of a solid wall would provide more privacy for the applicant and that of their neighbours.

Responding to questions and comments from Panel, Members were further informed of the following:

- Alongside the usual advertising regarding the application, the Planning Officer had visited neighbours to the property who verbally expressed that they had no objection to the proposals. In addition, no written objections had been received;
- The shrubs and trees surrounding were not such that were specifically protected or that officers would seek to protect per se, aside from during construction;
- The importance of the surrounding shrubs and trees comes from ensuring they remain to provide adequate screening and retention of amenity for neighbouring properties.

**RESOLVED** - To grant planning permission.

### **43 Date and Time of Next Meeting**

The next meeting of the North and East Plans Panel will be on 24<sup>th</sup> October 2019, at 1.30pm.