

SOUTH AND WEST PLANS PANEL

THURSDAY, 7TH NOVEMBER, 2019

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, K Brooks,
C Campbell, S Hamilton, J Heselwood,
D Ragan, J Shemilt, P Wray and
R Finnigan

41 Declarations of Disclosable Pecuniary Interests

There were no declarations.

42 Minutes - 3 October 2019

RESOLVED – That the minutes of the meeting held on Thursday, 3 October 2019 be confirmed as a correct record.

43 Application 19/02173/FU - 378 Burley Road, Burley, Leeds, LS24 2SN

The report of the Chief Planning Officer presented an application for retrospective consent for one dwelling at 378 Burley Road, Leeds, LS24 2SN.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

The attending Planning Officer made it known to Panel that he had been approached by a local resident in advance of the matter coming before Panel. However, this entailed a brief exchange with regard to speaking rights; was subsequent to the Chief Planning Officer's report being finalised; and had no bearing on the recommendation contained therein.

Further issues highlighted in relation to the application included the following:

- The application had been referred to Panel at the request of local Ward Councillors as the original property had felt to be of local significance and because the proposals would have an impact on neighbouring properties.
- There had been a previous application approved for a single storey side and rear extension. Due to significant changes to the approved plans, it was now described as a new dwelling and this subsequent application had been required.
- Changes from the previous application included the removal of chimneys, heightened roof to the rear in gable form and lowering of windows, the hipped roof element and porch would be retained.
- The application was recommended for approval.

Local Ward Councillors addressed the Panel with concerns and objections to the application. These included the following:

- The historic house had previously been surrounded by trees and flowers prior to their removal for a driveway and building of 378a Burley Road.
- All Kirkstall Ward Councillors had objected to the development of 378a and had wanted this application to be referred to Plans Panel but this was unlawfully approved. There was also a demolition consent approved in 2014 without opportunity for Ward Councillors to object.
- There was evidence of maladministration in respect of previous applications having been determined under delegated powers and this application should be deferred to allow for a thorough investigation.
- The loss of the original attractive building was regrettable.
- There had been public disappointment about the changes to the original building.
- The applicant had carried on with building without permission and after being instructed to stop. It was requested that this application should therefore be deferred, as to approve would otherwise condone criminal activity taken in breach of involvement by Enforcement Officers.
- The building proposed was not in keeping with the character of the area.
- Councillors were unaware of the permission granted for demolition.
- It was requested that Ward Councillors be consulted regarding any further demolition applications as a matter of course.
- In response to questions it was felt that the report was incomplete and all the facts should have been included. Deferral, rather than refusal, would enable all necessary information to come before Panel and an informed decision be made.
- There was further concern regarding previous approvals through the use of standing orders. Furthermore it was requested that local planning design guidance be introduced providing for Ward Councillors to be informed in relation to demolition applications.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- Demolition had been approved in 2014, but on the proviso that this was to be completed within a particular time-frame. This had not been complied with by the applicant.
- The applicant had gone against the approved plans.
- The original historic building should be reconstructed.

In response to Panel Members comments and questions, the following was discussed:

- The permission for demolition was extant until 6 December 2019. The current plans and application were therefore the matter before Panel

for determination, rather than whether demolition should have been undertaken.

- There was no evidence of maladministration in relation to the application. All applications had been approved in accordance with relevant legislation and under the appropriate delegated powers.
- English Heritage had not considered the original building to be worthy of listing. It also fell outside the conservation area.
- Examples of case law had shown that the Council would not have the powers to insist the building be reconstructed in its previous form.
- There were no concerns with officers that the proposal would adversely impact on neighbours' residential amenity.
- Preliminary works that were required by condition would be checked before further development at the site.
- Enforcement Officers would undertake to ensure the terms of any permission granted are complied with by undertaking site visit(s) as necessary.
- Concern that granting permission retrospectively rewarded poor behaviour of the applicant, such that the application be refused.
- Members were reminded of the extant permission for demolition, such that the demolition can proceed and be completed lawfully. The new application had been made as changes to previous applications had been significant, but now seeks to obtain permission for what is proposed to be developed on site in the absence of the previous structure
- A review of the approach to notifying Ward Councillors of demolition applications could be considered by Development Plans Panel and Joint Panel Chairs in due course.

RESOLVED – That permission be granted as per the officer recommendation and conditions outlined in the report.

Amendments to Condition 4 to ensure that surfacing was carried out at the appropriate time and Condition 6 amended to replace the word “should” with “shall” to ensure implementation.

44 Application 19/02885/FU - Albert House, 3 Monk Bridge Road, Meanwood, Leeds

The report of the Chief Planning Officer presented an application for a two storey side extension at Albert House, 3 Monk Bridge Road, Meanwood, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application had been referred to the Panel at the request of a local Ward Councillor due to the contemporary design and its impact on the

conservation area. There was also concern about the use of the property as a short term holiday let.

- The property was a large stone built villa in a large landscaped plot.
- The proposed extension was of a contemporary design with stone render and zinc panelling to the front. It would be lower than the existing roof height. The extension would contain a pool, sauna, gym and games room. There would also be two screened balconies.
- The side of the extension would have a rendered finish.
- A previous application had been refused. This had been larger in scale and had a higher roof. Following an appeal the Inspector had agreed that the side garden was suitable for an extension.
- The proposals had been submitted following consultation with design and conservation officers and it was felt that they would not result in harm to the conservation area.
- There were adequate distances to neighbouring properties and there would not be any loss of trees or adverse impact on the highway.
- The applicant had removed the use of the property as a short term let from the Airbnb website. Should there be a future use in this way, the Council did have enforcement powers.
- The application was recommended for approval.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- It was not felt that the size of neighbouring residents' (small) gardens had been taken into consideration with the impacts due to overlooking and the new driveway.
- The area was a long established family neighbourhood and any proposals should be of benefit to this. It was not felt that these plans would be.
- The impact of the property being used as a commercial business has changed the character of the area with late night disruption. There were concerns that commercial use of the property was what was intended again in the long-term.
- The property is currently up for sale and there was conflicting information on the proposals for the long term future of the property.
- The proposals do not seem significantly smaller compared to the application that was previously refused.
- Local residents were not adverse to any development taking place at the property, but would be happier to see a smaller development, with a lessened impact on neighbouring properties, and the use of the property as a family home.
- It was not felt that the proposals would enhance the conservation area due to visual and social impacts.

The applicant addressed the Panel. The following was highlighted:

- The property had previously had permission to be converted into 9 apartments, as now reflected in the recently-adopted Site Allocation Plan.
- The applicant had restored the property to a family home, resulting in what had been described as the finest example of a restored Victorian villa still in single occupation in the area.
- A prior application had been rejected and a further application made that had the support of the Far Headingley Village Society. The applicant was advised to withdraw this application which was primarily of a stone finish. This application was then brought following further input from the Council's design and conservation officers, which had resulted in the more contemporary design approach proposed.
- The applicant understood the concerns of residents and advised that he would have preferred the use of stone and other more traditional materials.
- In response to questions, the applicant reported that both conservation and design officers felt that the proposals were in keeping with the conservation area but that he would be happy to comply if the Panel chose to condition that stone materials were used.
- He also informed the Panel that he would accept a condition or planning obligation preventing the use as an Airbnb.
- The applicant informed the Panel that the property didn't fit his needs in its current format and would be likely to sell or possibly return to the permission for 9 apartments if the application was not approved.

In response to comments and questions from the Panel, the following was discussed:

- The Panel was advised that to change the materials to stone would likely mean a revised application would have to be submitted and that a unilateral agreement would have to be made to prevent the use as an Airbnb.
- Obscure glazing at the rear was not necessary as the windows did not overlook neighbouring properties.
- The side and rear windows here did not require an outlook to ensure suitable amenity due to the uses that were being proposed for the rooms therein: i.e. swimming pool, sauna, gym etc.
- The proposals were felt to enhance the conservation area as they were sustainable and the architecture was of a high quality. A pastiche style extension could be harmful due to the high quality of the existing building. A number of pastiche-style extensions have previously been completed in surrounding streets and have actually had the effect of detracting from (rather than enhancing) the conservation area.
- Although there were concerns about the white rendered finish, it was noted that buildings to the rear were finished with a white render. Members discussed the possibility of alterations to break up the render finish with the use of other materials/designs.
- It would be very difficult to reproduce the quality of the existing building with a stone extension.

- The reduced footprint was welcomed by Members.
- The principle of development on the site is clearly acceptable, as confirmed in the Site Allocation Plan and decision from the Planning Inspectorate. Members' focus is therefore on ensuring that a development proceeds which works with the high-quality and historic nature of the existing building. There would be limited planning grounds on which the current application could be refused.
- It was moved that the application be approved with the additional agreement/unilateral agreement to prevent the use as an Airbnb. Further advice on how this could be achieved was outlined.

RESOLVED – That the application be approved in principle and the decision be delegated to the Chief Planning Officer subject to detailed alterations to the side elevation facing properties on Moor Park Villas to reduce the amount of white render and to create interest / 'warmth' using the existing pallet of materials (final details to be discussed with the Chair). In addition attachment of a suitable condition or unilateral undertaking to prevent the use of the whole property as an Airbnb establishment.

(Councillor Finnigan left the meeting at the conclusion of this item)

45 Application 19/04884/FU - Former Elinor Lupton Centre, Richmond Road, Headingley, LEeds, LS6 1BX

The report of the Chief Planning Officer presented an application for the change of use and alterations from D1 educational facility to A4 public house (renewal of permission 15/02489/FU) at the former Elinor Lupton Centre, Richmond Road, Headingley, Leeds.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application was referred to Panel at the request of a Local Ward Councillor due to concerns regarding the impact on residential amenity.
- The application sought renewal of permission that was approved on appeal in 2016.
- Licensing permission was refused due to the location of the building in the Cumulative Impact Area. The Cumulative Impact Area had now been reviewed and the building now fell outside of this. The applicant had confirmed their intention to reapply for a Premises Licence.
- The building was Grade II listed and fell within the conservation area. Listed building consent had been renewed in March 2019.
- The building had fallen into a state of disrepair and had been a target for vandalism.
- External works proposed would be mainly repairs and restoration. The main external alterations would be for additional glazing at the rear to allow natural light.

- Proposed internal layouts were shown.
- Main issues to consider included the heritage and economic benefits of the re-use of the site and these needed to be weighed against the impact on residential amenity. Weight also needed to be given to the Inspector's decision of 2016.
- The application was recommended for approval.

A local Ward Councillor addressed the Panel with concerns and objections to the application. These included the following:

- The application was rightfully refused in 2015 and Members were asked to consider what had substantially changed since then.
- Access to the building for customers and service vehicles was located in a quiet residential area.
- A public house would cause anti-social behaviour and noise nuisance. Consideration had to be given to the amenity of local residents and noise impact, but these elements had not been sufficiently addressed in the officer's report.
- It was anticipated it would generate 1,500 pedestrian movements a day, 2,100 on a Saturday and over 250 vehicle movements in an already congested traffic area.
- There were other empty premises in Headingley centre where a similar application would be welcomed.
- Should the application be granted it was requested that Ward Councillors be consulted with regard to any conditions that could be added.

The applicant's representative addressed the Panel. The following was highlighted:

- The application was identical to that which was previously approved on appeal.
- The only material change since then is the withdrawal of the proposed NGT trolley bus service. Due to this, the applicant was willing to fund a pedestrian crossing on Headingley Lane which would previously have been provided within the proposed NGT scheme.
- The building had been actively marketed for 4 years before the applicant purchased the building. This was a unique opportunity to safeguard the future of the listed building.
- The development proposed would be strongly in-line with the applicant's existing portfolio and approach, in terms of presenting an opportunity to sensitively restore a historically-important building.
- The objections were the same as those that had previously been considered during the appeal when it was considered that the benefits of the application outweighed those.
- The applicant had a good track record of operating premises in residential areas. Further, the applicant's 'no music' policy would ensure limited noise disruption for local residents.

- Granting of the application would create employment opportunities in the area. The applicant would be prepared to commit to the Council's employment and skills initiative via a s106 planning obligation.
- The applicant was agreeable to all conditions outlined in the report.
- If the application was granted it was still necessary to get licensing permission.
- The increased glazing would not cause overlooking of residential areas due to the window orientation and separation distances.
- The outdoor seating and smoking area would be situated at the side of the building and only accessed from the side door of the building.

Comments from the Panel welcomed the potential for bringing the building back into use and that having an active frontage would help passers-by to feel safe.

RESOLVED – That the application be granted as per the officer recommendation.

46 Preapp/19/00468 - Land at Windlesford Green, Holmsley Lane, Woodlesford, Leeds

The report of the Chief Planning Officer informed Members of a pre-application presentation for a 59 unit extra care housing facility including associated community facilities, parking, access, landscaping and infrastructure at Windlesford Green, Holmsley Lane, Woodlesford.

Members attended the site prior to the meeting and photographs and plans of the site were displayed and referred to throughout the presentation.

The applicant's representatives addressed the Panel. The following was highlighted:

- The proposals would contribute to the Extra Care Housing needs for the City.
- The site had been identified as suitable for Extra Care Housing.
- The applicant had worked closely with planning officers to consider various solutions to maximise provision and safeguard the existing environment for adjacent properties.
- The plans had been closely scrutinised by planning and highways officers.
- Access arrangements were explained.
- Landscaping plans – trees would be retained where possible.
- There would be 59 one and two bedroom dwellings.
- Separation distances between other residential properties would meet or exceed guidelines.
- There was sufficient car parking within the site for staff and visitors.
- Benefits included the provision of affordable housing; an energy efficient development; the development of a sustainable and accessible site; economic benefits with employment opportunities.

- There would be a public consultation event on 27 November 2019.
- It was proposed to submit a planning application in January 2020.

In response to Members comments and questions, the following was discussed:

- There would be 12 existing trees removed. Three were of category B standard with the rest all considered to be of poor quality.
- It was of benefit to remove the trees marked for removal. The 12 removed would be replaced with 42 trees of a native species and that would be of high-quality, which would also help to prevent pests and disease by ensuring increased diversity in the tree provision.
- There would be holistic environmental gains from the development of the site. It would prevent the development taking place on a greenfield site and the building would also be energy efficient. The development was in a sustainable and accessible location. Ecological surveys had been carried out.
- The site was accessible by public transport and there were nearby bus stops. A Travel Plan would come forward with the application to ensure ongoing sustainability.
- Car parking was based on the demographic use of the site and comprised a bespoke design to take account of residents, visitors and staff needs. There would be disabled parking and 4 no. electric vehicle charging points, which was the appropriate number to ensure policy compliance.
- Environmental gains would be outlined in further detail when the application was submitted.
- New trees to be planted would be of nursery standard and be 4 to 4.5 metres high at the time of planting. The applicant could plant at whatever height required, but also wants to ensure replacement trees have a suitable 'standing' once planted.
- Concern regarding the massing of the building and its relationship with adjacent residential properties, particularly in terms of the proposed building materials and finishes to be used to ensure these were appropriately in keeping
- Concern that the car parking would not be sufficient. There had been problems at other similar developments, particularly with units that are for 2-person occupation where there is greater likelihood of at least 1 occupant retaining a private car, alongside staff and carers requiring parking on a regular basis.
- Concern with tree planting on the boundaries and that tree growth could go beyond the boundaries, potentially causing interference with neighbouring properties and residential amenity.
- A suggestion that green walls could be used on boundaries and within the site.
- Concern regarding the design of the building – a more unique, modern, and high-quality design would be welcomed.
- A traditional methodology and approach had been taken to the development of the proposed building. Members indicated they would

like to see more detail in the design of the building and the creation of something unique and carefully considered rather than 'dull'.

- In response to questions outlined in the report, the following was discussed:
 - Members considered the use of the site proposed to be acceptable.
 - With regard to the scale, massing and design it was not felt to be detailed enough at this stage and there were concerns regarding the massing. It was felt that the design needed to be more refined and given greater consideration overall.
 - There were still concerns regarding the parking provision at the site. There had not been any concern regarding servicing arrangements and drop off/pick-up arrangements.
 - Members considered the tree loss proposed and landscaping plans to be broadly acceptable.
 - Further considerations for the applicant included sustainable transport links, car parking arrangements, provision of electric vehicle charging points, management of trees, provision of good-quality landscaping, and evidence to support environmental benefits of the scheme – including to demonstrate how it is proposed that the required 10% biodiversity net gain will be achieved.

RESOLVED – That the report and discussion be noted.