

NORTH AND EAST PLANS PANEL

THURSDAY, 13TH JULY, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors B Cleasby, C Dobson,
R Grahame, S Hamilton, S McKenna,
E Nash, J Procter, K Ritchie, P Wadsworth
and G Wilkinson

SITE VISITS

The Panel site visits were undertaken on the morning of the panel and were attended by Councillors Walshaw, Grahame, Hamilton, McKenna, Nash, Ritchie and Wilkinson.

The Panel were informed that it was Cllr. Cleasby's 80th birthday on Friday 14th July. The Panel wished him a Happy Birthday.

13 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

14 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

15 Late Items

There were no formal late items. However, supplementary information had been sent to Members in respect of the site visit letter.

16 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

17 Apologies for Absence

There were no apologies.

18 Minutes

RESOLVED - Minutes of the meeting held on 15th June 2017 were approved as a correct record.

19 Matters arising

Members were advised that with regard to **minute 11** - 16/03692/OT – Outline application for residential development for up to 23 dwellings at Rudgate Park, Walton, Wetherby, LS23, a letter had been sent to the Director of Public Health raising concerns in relation to drainage issues in the area.

20 16/05185/FU Change of use on ground floor from Doctors surgery/Pharmacy to Public Bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear 39 Austhorpe Road, Cross Gates, LS15

Members were asked to note the contents of the update report on a change of use on ground floor from doctors surgery/pharmacy to public bar (A4), two storey rear extension; rear beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, 39 Austhorpe Road, Leeds LS15 8BA.

This application was due to be heard at the meeting on 15th June 2017 but with Members agreement it was deferred for one cycle Minute 8 refers.

It was noted that since the June meeting, further consideration regarding the revised highway related proposals has been given. It was also noted that Officers had also met with the applicant's noise consultant. The outcome of the meeting was that a review of noise mitigation measures currently proposed would be undertaken and also a further noise survey would be undertaken on a Sunday. At the time of writing the submitted report the outcome from these pieces of work was not available therefore officers were not in a position to provide Members with suitable advice on this issue.

Members were advised that it had not been possible to undertake further publicity and for officers to reflect on any comments received. This was considered essential given the level of representations this application had attracted.

Members were informed of the intention to bring back the application to the meeting on 17th August 2017, to allow sufficient time for both officers and the public comment on the revised noise related information. It was noted that Ward Members had been advised of the revised timescales.

21 RESOLVED – Members to note the contents of the report.
15/05502/FU Demolish existing dwelling and replace with 3 flats with underground parking 33 Sandmoor Drive, Alwoodley, LS17

Members were asked to note the appeal decision of the Inspector as set out in the submitted report of the Chief Planning Officer. The appeal by Mr and Mrs Sugare against refusal of planning application 15/05502/FU for the demolition of the existing dwelling and replace with 3 flats with underground parking at 33 Sandmoor Drive, Alwoodley was considered at Plans Panel on 29th September 2016. Minute 68 refers

Members had resolved not to accept the officer recommendation that planning permission be granted and was refused for reasons set out at paragraph 1.1 of the submitted report.

Members were advised that the Inspector had allowed the appeal subject to conditions. A copy of the Appeal Decision was attached to the submitted report.

RESOLVED – Members to note the appeal decision.

22 16/07483/FU Residential Development of one 3 Storey block of 7 No. apartments and associated works including demolition of existing three storey dwelling Eden House, Alwoodley Lane, LS17

The report of the Chief Planning Officer advised Members of a proposal to demolish the existing house known as Eden House and replace it with a three storey block containing 7 flats, amenity space and surface car parking.

Members had visited the site earlier in the day and were shown plans and photographs and the meeting.

It was noted that the site had constraints for development due to the triangular shape of the site.

Members were advised that a revised layout had been submitted and was displayed at the meeting which resolved the concerns discussed in the submitted report regarding the internal car parking arrangements. The spaces to the front had been reduced by one to allow for wider spaces to ease manoeuvring, and thus the deficiency in the reversing aisle was mitigated. The removed space from the front is relocated to the rear parking provision and those spaces had been moved to allow a full depth 6.0 metre reversing aisle and rotated to that they are perpendicular to it.

Members were also advised of an additional condition requiring the submission of detail relating to a white 'keep clear' marking on the highway outside the access point to the development. It was noted that this was a simpler alternative to the scheme submitted by the developers.

The proposed development would be of three storeys with rooms located in the roof space. The external appearance of the building was to be broken with vertical features most of which terminate to provide balconies for the units on the 2nd floor.

The Panel heard that the proposed building would be slightly higher than the current building, with the two storey element lower to maintain the gap between the neighbours.

Mr Straight the neighbour of 380 Alwoodley Lane was present at the meeting. He informed the Panel that his property was adjacent to Eden House and he was speaking on behalf of local residents who were also present.

Mr Straight told the Panel that there was a restrictive covenant on the land which restricted development to only one property on the site not seven.

Mr Straight informed the Panel that he had four main concerns being:

- 1) The scale of the development;
- 2) The development would set a precedent for those motivated for profit to sell their properties;
- 3) Loss of privacy and amenity saying that obscure glazing to the balcony serving a flat adjacent to the common boundary would not be adequate and that the proposed car parking area was located next to his garden and that the balcony overlooked his garden;
- 4) The junction at Harrogate Road was dangerous and that access to and from driveways was difficult and there was a danger of rear end shunts.

Mr Straight was of the view that the proposed development would increase the issues of an already dangerous junction and that there was insufficient car parking for seven 3 bedroomed flats. He went on to inform Members that there was double and single yellow lines within the vicinity of Eden House.

Mr Straight Informed Members that there was already a box junction and he was of the view that a white 'keep clear' box would not make the entrance safe for turning into the development.

Mr Straight informed the Panel that he believed the restrictive covenant had been placed on the land by the original builder. He realised that this was not a material matter that could be taken into account by the Plans Panel and could only be looked at by the courts. Members were also advised by the Legal Officer that Members should not take account of the restrictive covenant in reaching their decision.

Ms Hulse the agent for Peacock and Smith informed Members that the developers had proactively worked with officers to address issues raised by neighbours. She said that the apartment building did have a larger footprint than the current dwelling and had been designed as per advice of officers and that the scale and mass was within guidance for neighbouring dwellings.

Ms Hulse informed Members that the design of the building had been done to retain the character of the area and that the dropped level of the design was to create less of an impact on neighbouring property.

Ms Hulse accepted that there would be an intensification of the use of the entrance but was of the view that there would not be a significant impact on the traffic in that location.

Members gave consideration to the collection of refuse for the new development of seven properties. Discussion took place in relation to refuse collection and potential internet deliveries to the proposed dwellings.

Ms Hulse informed the Panel that her clients had approached the neighbours to discuss any issues however the neighbours had not been interested to engage with her clients. She said that her clients had not spoken to the Parish Council or to Ward Members.

Members were informed that the balconies provided extra amenity space for future residents and that privacy for residents and neighbours would be provided using obscured glazing panels.

Members noted that amenity space provision was in line with the guidance set out in Neighbourhoods for Living.

Members were informed that officers had worked closely with the applicant and the building was now smaller than that first proposed, officers had provided advice to the applicant in line with NPPF for the final product.

The Group Manager provided clarity of usable amenity space concluding that on the basis of information provided by the application documents and in the report this development met the requirements set out in Neighbourhoods for Living.

Members were informed that the junction had been assessed and it was noted that there had been 1 recorded accident in the last 5 years. It was noted that car parking was appropriate level for development with 2 parking spaces for visitors.

At this stage in the proceedings the motion was moved and seconded.

Members continued to have discussions in relation to the following issues:

- Type of advice provided to applicant and Panel
- Traffic movement around the Harrogate Road / Alwoodley Lane junction
- Assessments provided by Highways
- Comments provided by neighbours
- The type and construction of the roof
- Loading restrictions in the area

Cllr. Procter said that this was an inappropriate development being too large for the site and its proximity close to this junction.

Cllr. Procter commented on the running order of the agenda saying that it was not acceptable that an appeal decision on a similar application had preceeded

this application. He said that appeal decisions usually went at the end of the agenda.

Cllr. Procter said that he would be happy to assist the objector should he wish to appeal the decision if it were to be approved – due to overdevelopment of the site.

Cllr. Procter moved to refuse the officer recommendation however this motion was not accepted and the Chair went with the first motion to accept the officer recommendation.

RESOLVED - To grant permission subject to the conditions set out in the submitted report with the following additional conditions:

- 1) Off-site highways work
- 2) Access to be widened
- 3) To amend the conditions relating to the screening of balconies

23 15/07108/OT Outline application for residential development up to 57 units Former Civil Service Sports Association Ground, Potternewton, LS7

The report of the Chief Planning Officer requested consideration of an outline application for residential re-development consisting of up to 57 units at the former Civil Service Sports Association Ground, Newton Road, Potternewton, Leeds.

This application was brought to Plans Panel as the site is presently a Protected Playing Pitch and the proposed development therefore conflicts with the adopted Local Plan. The proposal represented a significant departure from the development plan and consequently under the scheme of delegation was required to be reported to Plans Panel.

The proposal was in outline with the principle of development and the means of access being the only matter to be determined as part of this proposal. All other matters relating to the appearance of the development, landscaping, layout of the development and the scale of the buildings was reserved for latter submission and consideration.

Members were advised of approval for mixed use which was set out at paragraph 4.0 - Relevant Planning History of the submitted report.

An indicative layout had been produced by the developer to show that their aspirations of 57 units would be achievable. However, the layout which was shown to the Panel did not form a formal part of the consideration.

Members were advised that the developer would be liable for CIL and a financial contribution was on offer for loss of a playing pitch. It was suggested that money from this could be used by the Caribbean Cricket Club to improve facilities.

Members heard that the developer was proposing 2 affordable units on the site. However, the Members were informed that this level of development should allow for 9 affordable units.

Members were advised that the wall along Newton Road was to be retained as were the trees.

The Panel noted that the applicant was not at the meeting.

The applicant had submitted a viability appraisal which had been checked and verified by the District Valuer and it was agreed with the applicant that the site can only deliver 2 units of affordable housing. The letter from the District Valuer was attached to the end of the submitted report.

Brian Maguire of the District Valuation Service was present at the meeting.

Mr Maguire explained that the District Valuer disagreed with the applicants' viability appraisal. The principle reason related to the applicant claiming there was £790,000 of abnormal costs included in their build costs. The Panel heard that the applicant had not supplied a breakdown of the abnormal costs in relation to this site, nor had they supplied justification for the requirement of these costs. Therefore the District Valuer had not included these costs in their appraisal.

Mr Maguire concluded that the scheme could achieve a market related profit of 17.5% on gross development value, at the same time delivering 2 affordable homes, 3.51% of the total number of scheme dwellings. He went on to say that the development could also fund a Section 106 contribution of £175,000 for a playing field contribution and a CIL payment of £211,815.

Members discussed the following points:

- The need for more affordable homes on the site;
- The contribution for the loss of the playing pitch to the Caribbean Cricket Club;
- More information required on what a keyworker home is;
- Demolition of the wall along Newton Road and replaced with fencing and provision for access to green space;
- Green space to include play equipment;
- The need for land contamination assessment;
- If there was a need for green space on the site as Potternewton Park is located nearby;
- If the green space was not provided more units could be built and more affordable units;
- The need for consultation with Ward Members on this development.
- Supply and delivery of utilities and the need for the site to be energy efficient.
- Means of access only from Newton Road

Clarification was provided to the Panel on further assessments by the District Valuer should it be required and on the regulations around Section 106 payments.

Members were informed that the actual costs for the refurbishment of the Caribbean Cricket Club were not known. However, Ward Members had suggested setting up a working party to look at this with a view to increasing £175,000 with the provision of professional services, and materials provided at cost. This is currently being looked into with advice being taken from Legal Services. It was noted that £175,000 was sufficient for the loss of a playing pitch.

RESOLVED – To defer consideration of the application for negotiations with the applicant on the following points:

- Increase of affordable provision on the site;
- Illustrative layout and green space provision;
- Consultation with Ward Members; and
- To return to the Panel with an update on the negotiations.

Cllr. Procter briefly left the room at the start of this application.

Cllr. Procter left the meeting at 16:10 during this application.

24 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be Thursday 17th August 2017 at 1:30pm.