

NORTH AND EAST PLANS PANEL

THURSDAY, 6TH SEPTEMBER, 2018

PRESENT: Councillor N Walshaw in the Chair

Councillors S Arif, D Collins, R Grahame,
D Jenkins, E Nash, K Ritchie, S Seary,
A Wenham and G Wilkinson

SITE VISITS

The site visits were attended by Councillors Walshaw, Grahame, Nash, Ritchie, Wenham, Collins, Seary and Wilkinson.

36 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

37 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

38 Late Items

With permission of the Chair a late item was submitted due to the urgency of the business to be transacted and it was in the best interest of the Council and other parties concerned that the matter be considered without delay.

Application 17/08451/OT – Appeal against the non-determination of outline application for circa. 300 dwellings, GP practice, pharmacy, A1 convenience store, public greenspaces, associated works, vehicular access, pedestrian/cycle and emergency vehicle link on land off Rakehill Road, Scholes, Leeds. It was agreed that this item would be heard first minute 42 refers.

39 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

40 Apologies for Absence

Apologies were received from Councillor Mark Dobson.

41 Minutes - 9th August 2018

RESOLVED – That the minutes of the meeting held on 9th August 2018 were approved as a correct record.

Subject to the following amendment:

Minute 30 17/06402/FU Detached dwelling land adjacent to 36 West Park Avenue, Roundhay, LS8 2EB.

Resolution - 3rd point to read 'Condition 3 to require roofing materials to be pan tiles'

42 Application No. 17/08451/OT - Appeal against the non-determination of outline application for circa. 300 dwellings, GP practice, pharmacy, A1 convenience store, public greenspaces, associated works, vehicular access, pedestrian/cycle and emergency vehicle link on land off Rakehill Road, Scholes, Leeds.

This application was presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 16th April 2018. Members were requested to consider the report as a late item due to the urgency of the business to be transacted and it was in the best interest of the Council and other parties concerned that the matter be considered without delay. Minute 38 refers.

The site had been visited by Members earlier in the day with photographs, plans and maps shown throughout the presentation.

An addendum was tabled at the meeting as amendments had been made to the reasons for refusal as follows:

- Deletion of Reasons 3
- Paragraph 9.96 amend final sentence to read 'Having regard to NPPF paragraph 14, insofar as the development conflicts with the Barwick-in-Elmet and Scholes Neighbourhood Plan, this alone provides a strong basis for concluding that the adverse impacts of the development will significantly and demonstrably outweigh the benefits. Notwithstanding this however, it will be noted that this report has separately considered the tilted balance even in the absence of the Neighbourhood Plan conflict, and the same conclusion arises
- Paragraph 9.168 add the words 'severe and' into the 7th line
- Paragraph 9.90 noted that the report states that the development is not in conformity with the Neighbourhood Plan and compliance requires further consideration.
- Paragraph 10.1 last sentence should read 'These include matters of safeguarding, accessibility, spatial planning, prematurity and highways impacts.
- Letter of representation had been submitted by all 3 Harewood Ward Members. The Ward Members had previously objected to the application and urge Panel Members to support the officer recommendation that this matter should be contested at the upcoming Public Inquiry
- A resident of Scholes has pointed out that more objections from residents had been submitted than the Panel report states. A total of 777 objections have been received. The explanation is due to the fact that many of these letters duplicate previous letters of objection. Many of the letters were also signed by more than one resident.

Members were provided with an overview of the proposed development.

Members noted the reasons for refusal as set out in the addendum to the submitted report which was presented to Members at the meeting.

The addendum was published to the Council website for this meeting.

There were no speakers for this item.

RESOLVED – To contest the appeal that had been made against the non-determination of the planning application for the following putative reasons:

1. The site is a Protected Area of Search under (saved) Policy N34 of the UDP Review. The site also constitutes safeguarded land for the purposes of the National Planning Policy Framework, paragraph 139. The release of this PAS site for housing would be contrary to Policy N34 and also to paragraph 139(d) (having regard also to sub-paragraph (c)). Planning permission for the permanent development of safeguarded land should only be granted following an update to the Local Plan, which proposes the development.
2. Development of the appeal site would be premature, contrary to paragraphs 49 and 50 of the NPPF. The Development, taken alone or cumulatively, would mean that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new housing and/or employment development that are central to the emerging designation of safeguarded land under the (very advanced) Submission Draft/Site Allocations Plan (SAP). The proposal would have a prejudicial effect on decision taking with regards to directing new development through the SAP and community involvement in the plan-making process.
3. The proposal fails to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed as the appeal site does not meet the accessibility standards for housing. Given the scale of development proposed in relation to the scale of the settlement being within the lower end of the settlement hierarchy and lack of accessibility to a range of facilities and services, it is considered that the appeal proposals do not represent a sustainable form of development. As such, it is considered that the proposal is contrary to Policies SP1, H2 and T2 of the Core Strategy and the NPPF concerned with matters including the promotion of adequate and safe walking and cycling opportunities, the promotion of locations that offer genuine public transport opportunities, satisfactorily minimising the length of journeys to employment facilities and to adequate local services and facilities, and achieving growth within locations that are or can be made sustainable, pursuant to paragraphs 102-104 and 108-110 of the NPPF.
4. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including wider network which would be affected by the additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements. The proposed development would be have an unacceptable impact on highway safety

and would have a severe residual cumulative impact on the road network. This is contrary to Core Strategy Policy T2, H2 and saved Policy GP5 of the Unitary Development Plan (Review 2006) and to Part 9 of the NPPF paragraphs 108-110. It is also contrary to guidance contained within the Street Design Guide and Inclusive Mobility (Department for Transport 2002) that requires combined development not to create or materially add to problems of safety, environment or efficiency on the highway network.

5. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, travel planning and off site highway works, contrary to Policies H5, and ID2 of the Leeds Core Strategy and the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

43 18/02283/FU Demolition of vacant depot building; construction of a new primary/secondary school; footbridge crossing barrack road; multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/cycle parking, alterations to site access; landscaping and boundary treatments Dixons Trinity Chapeltown Leopold Street, Chapeltown, Leeds, LS7 4AW

Further to minute 29 of the meeting held on 9th August 2018 the report of the Chief Planning Officer set out an application for the demolition of vacant depot building; construction of a new primary / secondary school; footbridge crossing Barrack Road, multi-use game areas (MUGA), sports pitches, hard and soft landscaping, car/ cycle parking, alterations to site access; landscaping and boundary treatments.

Photographs and maps were shown throughout the presentation.

Members were informed that the developers had taken on the comments received from the Panel and had provided 4 options during negotiations with officers. Members heard an overview of all the options proposed with officers saying that option 4 was the preferred option.

Option 4 would see the building block move 3 metres to the west; car parking extending to provide 136 spaces; layby for parent drop off point to the southern side of the development; the provision of an acoustic fence and landscape buffer to the south eastern boundary; proposal of pedestrian crossing points. Members were advised this option would see the removal of the lift from the proposed bridge access.

Members also noted the addition of the following conditions:

- Design of boundary enclosure to prevent future openings onto Barrack Road
- Details of gates and access controls to be agreed
- Details and provision of acoustic fence

Mr Phelps of Chapeltown Cohousing attended the meeting to speak against the recommendations he informed the panel of the following points:

- The residents would prefer a proposal for separate primary and secondary schools rather than trying to cram both on to a site too small.
- Removal of a third of the playing field.
- Congestion along Spencer Place.
- Many of the local road users and pedestrians in the vicinity were likely to be vulnerable and there was already significant traffic and parking issues in the area. It was noted that there were 3 primary schools in the area. It was also noted that on Friday the road becomes increasingly busy due to there being 3 mosques located nearby.
- Parking on Leopold Street was already busy particularly at the start and end of the school day with no notice taken of the double yellow lines.
- Green space was limited in this area.
- Overshadowing of gardens at nearby houses.
- A three storey building was out of proportion to the residential character of the neighbourhood.
- Of the view that this type of development would not be tolerated in wealthy parts of the city.
- No access for residents to use the proposed footbridge over this busy road.
- No further consultation had been given for new proposals.

Ms Plant the applicant's representative addressed the Panel saying that the applicant had carefully considered the comments of the Members and was of the view that the proposal in front of Members was the best option and best design addressing most of the issues raised by the Members.

Members were informed of the following points:

- The bridge design would be conditioned;
- Improved additional landscaping to the immediate boundary;
- Addition of acoustic measures to reduce playground noise;
- Additional pick up/drop off at Roundhay Road to distribute traffic;
- Sustainability – Efficient design; Energy Statement;
- The bridge would be used mainly by secondary school pupils to access the pitches
- The bridge would not have lift access as previously proposed, pupils / visitors with disability would be escorted to the pitches by a vehicle;
- The bridge would have high walls, access would be controlled for security reasons;

- Design of the school was similar to other academies;
- A travel plan had been considered in conjunction with Metro and the Travel Authority and disabled groups.

In response to Members questions the following points were noted:

- No further local consultation had taken place since the last meeting. However, discussion had taken place with Mr Phelps after the last meeting;
- Condition 31 would provide community access to the MUGA and the pitches;
- The design of the bridge had not been finalised and given Members concerns an enclosed bridge would be considered;
- A notice in relation to highways had been posted on the public access system and discussions had taken place with Metro and the Traffic Authority;
- There had only been 1 reported accident on Leopold Street within the 5 year period. Traffic impact on Roundhay was acceptable and there was parking on both sides of the road in Leopold Street.
- The proposed move of the building to the west would not cause direct over shadowing as properties would be 17 metres away

Members requested that the impact of traffic on the area should be monitored.

Members still had concerns in relation to:

- disabled access to the bridge in the absence of a lift;
- openness of the bridge;
- appearance and dominance of the building;
- impact on traffic congestion.

RESOLVED – To defer and delegate approval of planning permission to the Chief Planning Officer subject to the completion of a S106 agreement requiring a travel plan monitoring fee, bus stop improvements and subject to the conditions set out in the submitted report.

Additional conditions:

- Design of boundary enclosure to prevent future openings onto Barrack Road
- Details of gates and access controls to be agreed
- Details and design and location of acoustic fence
- Enclosure of bridge
- Provision of lift to bridge
- Monitoring of local parking/traffic impact and agreement of remedial measures
- Parking scheme to be discussed with applicant and Ward Members prior to formal advertisement of works.

Under the provisions of Council Procedure Rule 16.5 Councillor Nash required it to be recorded that she abstained from the vote.

44 17/05137/FU - Erection of nine houses, laying out of access road with ancillary car parking and landscaping; demolition of existing bungalow and outbuildings Welburn Cottage Deighton Road, Wetherby, LS22 7QF

The report of the Chief Planning Officer set out an application for the erection of nine houses, laying out of access road with ancillary car parking and landscaping, demolition of existing bungalow and outbuildings at Welburn Cottage, Deighton Road, Wetherby, LS22 7QF.

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

The proposal was for the erection of a terrace of six dwellings erected to the front of the site and three detached dwellings to the rear. Access would be taken from the existing private road that leads off Deighton Road and a small rear cul de sac created to provide for vehicular access, bin collection and parking.

Members were informed of the following points:

- The proposed terrace houses would be similar in design to the row of terrace houses adjacent to the site;
- The wall to the front of the site would be rebuilt and set slightly further back to provide a wider footpath along Deighton Road and increase visibility to the site;
- The detached properties would all be different in design with one having a glazed balcony which is recessed so no additional risk of overlooking neighbouring properties;
- There would be some impact on neighbouring properties but this was not thought to be significant;
- Some improvements to highway with a new access proposed;
- The dwellings would be constructed of reconstituted brick and render
- Bat emergence survey confirmed that there were no bat roosts therefore the ecology condition would be amended accordingly;
- Current site levels of the bungalow was 27.04, site levels of the proposed dwellings was 27.15;
- Glazed balcony on plot 1 is to be screened to both sides by the solid walls of the dwelling.
- An additional letter of objection had been received from a resident on Allanfield Grove and raised issues on :
 - Impact on view from Deighton Road

- Errors and inconsistencies with access road, and impact on visibility
- Visibility to the south cannot be constructed as land not within the ownership of the applicant
- The design will impact on the amenity and views from Allanfield Grove, and particularly the house on plot 1
- All points are representative of local residents summarised as overdevelopment, loss of character, loss of greenspace, loss of amenity, impact on traffic and parking and lack of consultation.

It was noted that the applicant was in the process of obtaining land to the south of the site and had provided certification.

A resident of Allanfield Grove and Cllr. Lamb attended the meeting and raised their concerns as follows:

- The proposed dwellings were not of a good quality
- No analysis of the area had been undertaken;
- Land to the south of the site was not owned by the applicant;
- Loss of character and greenspace;
- Detrimental impact of plot 1 – design was thought to be ‘busy and cluttered’;
- Significant errors and inconsistencies with access road;
- No adequate consultation given;
- Over development of site – view that 5 or 6 properties would be better;
- Concerns of neighbours not taken into account;
- The impact on neighbours would be significant;
- Want the applicant to work with the community.

Andrew Windress of ID Planning addressed Panel Members stating:

- Density is lower.
- Proposals are policy compliant, meeting or far exceeding the minimum requirements.
- As it is not a major scheme there is no consultation requirement, but the applicant had held an information day and the 60 letters received were reviewed.
- The frontage follows existing row of terraces.
- Removal of the wall at the front is as a result of a highway request to improve the visibility splay
- The applicant is going over and above what is required by undertaking additional surfacing to areas used by existing residents.
- Traffic measures at the frontage will be introduced to prevent parking

In response to Members questions the Panel were informed of the following:

- An exhibition was held in the village hall in February 2017 but there had been no consultation since.
- The proposed new terrace would be sited along the same line to the front as an existing terrace which was more historic than other properties in the immediate locality.

- The size of the proposed dwellings to the rear were a concern as it was the view that they were too large
- Deighton Road was a busy road and there were concerns about the impact on highways
- It was noted that there was a school nearby which would be able to accept children from the new development
- The applicant had tried to engage with residents to discuss the revised application but only Cllr. Lamb had attended
- The terrace houses complied with space standards
- Currently the bins are collected from the footpath. However, the applicant was proposing that the bins would be collected from the bin store.
- The three detached properties were orientated at an oblique angle so as not to overlook the neighbouring properties on Allenfield Grove and the boundary distance was within policy
- The turning head in the cul de sac would be able to accommodate the refuse wagon

Members raised concerns in relation to the spatial setting of the detached dwellings and that the development as proposed was too cramped.

Members also wished to retain the wall.

The Chair proposed to defer for further negotiations. Cllr. Arif proposed the motion which was seconded by Cllr. Collins.

RESOLVED - To defer for further negotiations to address concerns of the Panel. In particular, in relation to the spatial setting/impact on existing dwellings/ the three detached properties

45 18/03496/FU - Amendment to condition 2 (approved plans) of planning permission 15/00648/FU to allow changes to the elevations in order to regularise detailed variations from the plans as approved. Former Site Of 264 Alwoodley Lane, Alwoodley, Leeds, LS17 7DH

The report of the Chief Planning Officer asked Members to consider an amendment to condition 2 (approved plans) of planning permission 15/00648/FU to allow changes to the elevations in order to regularise detailed variations from the plans approved at site of former 264 Alwoodley Lane, Alwoodley.

Members were requested to consider the following variations:

- An increase in height of the overall building by 0.9 metres at the main ridge line
- Moving of entrance to a central position
- Re-positioning of roof lights in the front facing roof plane
- Introduction of roof lights in side facing roof plane
- Addition of obscurely glazed windows in side elevations
- Rear roof pitches of the projecting gables are shallower
- Re-siting of bin store

- Re-orientation of the external staircase to rear of the building

A site visit had taken place earlier in the day. Photographs and plans were presented at the meeting.

Members were advised that there had been public interest in the variations with concerns raised in relation to an increase in height of the building as it was the view that this would set a precedent in the area. Members heard that the increase in height would not significantly impact on the street scene although an increase was required otherwise the car parking could not be accommodated underground due to the gradient.

It was noted that a hedge to the boundary was to be retained. However, this had been removed and the Planning Services are now awaiting drawings in relation to the boundary treatment. It was noted that this did not prejudice Members considerations.

RESOLVED – To defer and delegate to the Chief Planning Officer to grant planning permission following the expiry of public consultation to be undertaken with adjacent neighbour once amended drawings are received showing the boundary wall and subject to no new material planning issues being raised subject to the conditions set out in the submitted report

46 **18/03601/FU - Retrospective amendment to previously approved application 15/05529/FU for alterations including raise roof height to form two storey, first floor and single storey extensions to rear and both sides and new first floor window to side 41 Nunroyd Road, Moor Allerton, Leeds, LS17 6PH**

The report of the Chief Planning Officer set out a retrospective amendment to previously approved application 15/05529/FU for alterations including raise roof height to form two storey, first floor and single storey extensions to rear and both sides and new first floor window to side at 41 Nunroyd Road, Moor Allerton, Leeds, LS17 6PH.

The application had been approved on 4th February 2015. Members were informed that the works that had been carried out omitted the dual gables proposed to the front elevation and the previously approved flat roof that was proposed to the rear of the site has been replaced with a mono-pitched roof.

It was noted that the width and length of the dwelling were similar to that approved. However the height of the original dwelling had increased by 0.3 metres.

Members also noted that the current roof form was unbalanced with one side of the roof with a gable finish and the other side hipped. It was suggested that this would be changed for a symmetrical design and it was proposed that the gable end be altered to form a hip.

Officers were of the view that this would be acceptable as there was no harm to character of the area or amenity space.

RESOLVED – To grant permission subject to the conditions set out in the submitted report.

47 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel to be on Thursday 11th October 2018 at 1:30pm