

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 11TH MAY, 2017**

**PRESENT:** Councillor N Walshaw in the Chair

Councillors B Cleasby, C Dobson,  
R Grahame, S Hamilton, S McKenna,  
K Ritchie, P Wadsworth, G Wilkinson and  
P Gruen

### **SITE VISITS**

The site visits that took place on the morning of the Panel were attended by Councillors: Walshaw, Grahame, Hamilton, S. McKenna, Ritchie and Wilkinson.

#### **165 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

#### **166 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

#### **167 Late Items**

There were no late items.

#### **168 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests. However Cllr. R Grahame declared an interest in Item 7 Minute 172 refers – Construction of 13 houses on former site of Stanks fire station, Sherburn Road, LS14, as the application was in his wife Cllr. P Grahame's ward. Cllr. P Grahame was present at the Panel to answer questions in relation to the application and the area.

#### **169 Apologies for Absence**

Apologies for absence were received from Cllr. Arif and Cllr. J Procter.

Cllr. P Gruen was substitute for Cllr. Arif.

#### **170 Minutes**

The minutes of the meeting held on 13<sup>th</sup> April 2017 were approved as a correct record.

#### **171 Matters arising**

In response to Members questions on minute 160 – Position Statement Erection of fire station, training yard and associated parking and landscaping land off Black Moor Road, Moortown. It was noted that Members had requested more information in relation to this application. Members were

informed that there had not been sufficient time to gather all the information required for an update to be provided at this meeting.

**172 16/07555/FU - Construction of 13 houses on former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14**

The report of the Chief Planning Officer recommended refusal for planning permission for the construction of 13 houses at the former Stanks fire station, Sherburn Road.

At the start of this item Cllr. Gruen who was substituting for Cllr. Arif addressed the Panel in regard to his position on this application as it is in his ward.

Cllr. Gruen informed the Panel that he was aware that the applicant had spoken to Legal Services with the view that Cllr Gruen was sitting on the Panel with a pre- determined view.

Cllr. Gruen provided the Panel with a brief history of his involvement with the application.

Members noted the following points made by Cllr. Gruen:

- The applicant had contacted Cllrs P. Gruen and Pauline Grahame to ask for their support of the development. Cllr. Gruen said that he had made no comment whereas Cllr. Pauline Grahame had voiced an objection to the Scheme.
- The applicant had informed the Councillors that he had the support of a number of the neighbours. The Ward Councillors sent out a questionnaire with a reply slip. Cllr. Gruen said that 80 responses had been received which was significant as no pre post envelopes had been included. Only 2 responses were in favour.
- The Ward Councillors had received a further letter from the applicant which Cllr. Gruen had thought aggressive and derogatory towards the planning officer. He said that there had been no further contact between himself and the applicant.
- Cllr. Gruen went on to say that he did not have a pre-determined position but was pre-disposed due to the strong case set out in the report by the officer. However he was interested to hear what the applicant had to say and to see whether the case presented was compelling.

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

Members were provided with a brief planning history set out at paragraph 4.0 of the report. It was also noted that during the course of the application a number of amendments had been made to the layout resulting in the deletion of one dwelling; reconfiguration and enlargement of the parking court; repositioning of the off street parking for dwellings fronting on to Stanks Drive; introduction of crime prevention measures; and the intention to retain some trees to Sherburn Road frontage.

Members were informed that the dwellings were all two storey although some had rooms in the roof space. The properties were to be 2-3 bedrooms. Members noted revised floor plans had been submitted so that all room sizes and garden sizes complied with space standards. A cross section had been supplied by the applicant to show the difference in levels through one part of the site.

Concerns were raised in relation to the parking courtyard as it was the Panel's view that residents would prefer to park at the front of the properties for convenience. There were also concerns raised in relation to the parking courtyard due to its proximity to the trees and the future of those trees it was also a concern that the parking area would over-look the gardens.

It was noted that bins were to be positioned at the front of the properties.

Mr Rose the agent was at the meeting and addressed the Panel. He confirmed he accepted Cllr. Gruen's statement.

Mr Rose said how frustrating it had been to amend the plans so many times.

He reiterated that the house sizes and the outside space complied with space standards and met the Leeds standard.

Mr Rose informed the Members that all the gardens were south facing.

Mr Rose explained the reason for the parking courtyard informing Members that the applicant did not want private drives to access onto the main road. He said that to combat the fear of crime and anti-social behaviour the parking courtyard would be overlooked with a view through the wire fences giving a natural view through to the courtyard. He said that there would also be lighting and CCTV in the courtyard.

Mr Rose said that bins had been moved to the front of the properties as not able to confirm a suitable position.

It was noted that 16 trees were to be planted with only one tree to be moved.

In response to a Members question Mr Rose informed the Panel that the Refuse Service were happy to reverse into the site to collect bins and the use of bins stores as had been proposed.

Members expressed their surprise at the close proximity of trees on Sherburn Road to 4 properties in the site. Mr Rose informed the Panel that mature trees would be planted where trees were moved.

Members raised concerns on the following points:

- That properties marked as numbers 7 and 8 were not suitable or attractive to live in

- The parking courtyard was not suitable and would encroach on privacy of houses in that location.
- Not enough parking for 2-3 cars per dwelling which would cause parking on the main road close to a busy bus stop
- The site looked cramped although assurance had been provided that all dwellings now met space standards.

Members asked if consideration had been given to redesigning or reducing the number of plots on the site. Members were informed that the dwellings met space standards and were of a similar size to properties around the area therefore there was no reason to reduce the plots.

Cllr. Pauline Grahame attended the meeting saying that she was against the size of this development of 13 houses and was representing the views of constituents set out in the letters that had been received.

Cllr. P Grahame said that the original proposal for the site put forward by the fire service was for five properties and informed the Panel of the following points:

- That Swarcliffe did not have a high crime rate
- That 2-3 bedroom properties were in demand for that area
- That parking was an issue as people preferred to park outside their homes
- That the density around the site was high and that the site should be at the most 8 properties with parking for at least 2 cars per property
- That she was taking into account the concerns of the residents in the area in relation to the density of the parking in the area and the density of the site.

Members noted that a high frequency bus stop was located close to the site and had a long run in. Access to the site had conflicted with the bus stop and modifications had been requested and as a result the applicant provided an access to the back of the site'.

It was also noted that there was a drop crossing on Sledmere Place which raised concerns but was not a reason for refusal.

Officers informed Members of the following;

- That the number of parking spaces was right for the size of development. However the design was an issue and due to this residents may not use the dedicated parking space leading to some on street parking.
- That Leeds City Council guidance in relation separation and distance of properties, floor space and amenity space is quite prescriptive and the applicant had revised plans to address some of the issues raised.
- That the parking courtyard may cause damage to the roots of some of the trees, however trees located near properties were far enough away as to not suffer root damage.

- That they had been unable to attend one meeting with the applicant but where negotiations had taken place the applicant had made revisions to address the officers concerns but in doing so had caused other issues.
- It was the view that the proposed wire fencing to the gardens which looked onto the parking courtyard would not provide privacy to the residents on those plots.
- A Traffic Regulation Order (TRO) was in place in relation to the bus stop
- That they had requested a reduction in the number of units
- Unresolved conflicts were listed at 11.1 of the submitted report.

The Head of Development Management provided an explanation of the difficulties with the application saying that there were too many minor issues outstanding that caused concern.

Members discussed the following points:

- The removal of one property to create another access point on to Sherburn Road
- Refuse collection and the need to have easy access for bins and storage
- The poor layout of the site which was too cramped
- Access to the site, the sites proximity to a busy bus stop and a school.
- To reduce the site to between 8 and 10 dwellings
- To make the site affordable and sustainable

Due to Members discussions the Chair asked if the Panel would want to give consideration to the application being deferred pending further amendments. However advice was given that this may result in an appeal for non-determination.

Instead, the Head of Development Management advised the Panel that in the opinion of officers and in order to make the application acceptable a fundamental redesign of the scheme was required. He recommended a slight amendment to the officer recommendation that in paragraph 1 the sentence starting 'Furthermore' should be amended to read; 'Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures "or issues of overlooking", boundary treatments, and relationships with adjacent plots, prejudicial to the residential amenity of the occupants and the site appearance.

**RESOLVED** – To refuse the application for the reasons set out in the submitted report with the slight amendment to reason for refusal 1 to include the wording 'or issues of overlooking'.

The amended reason is set out below:

‘Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures or issues of overlooking, boundary treatments, and relationships with adjacent plots, prejudicial to the residential amenity of the occupants and the site appearance.’

**173 17/00406/FU - Change of use of domestic swimming pool to form canine hydrotherapy use (sui generis), 81 Wakefield Road, Garforth, LS25**

The report of the Chief Planning Officer requested Members to consider an application for the change of use of a domestic swimming pool and garage to canine hydrotherapy use (sui generis) at 81 Wakefield Road, Garforth, LS25 1AR.

Members had attended a site visit earlier in the day during the site visit number 79 Wakefield Road was also visited. Plans and photographs were shown at the meeting along with a video showing the rear garden of 83 and its proximity and boundary to 81 Wakefield Road.

Members were informed of the following points:

- The domestic pool was located within a residential garden within a building.
- The pool had been approved in 2003.
- The building where the pool is located backs onto Queensway.
- Part of the garage was to be used as part reception, with a garage for the owners use. It was noted that the garage was constructed of wood.
- The fence between 79 and 81 was to remain and a fence was to be added between 81 and 83.
- The rear garden of 81 was to remain as domestic use with a fence between the garden and the reception.
- There was substantial parking for both residents and customers. Customers would use the area located at the front of the property, it was noted that the applicant was considering making this area larger by removing some of the area currently used for planting. Highways Officers were of the view that the parking layout was acceptable.
- Opening times in line with advice received from the Environmental Health Officer were proposed as Monday to Friday 08.30-17.30 and Saturday 09.00-14.00.
- Significant insulation to be used in the hydrotherapy building. However more information was to be gained for condition 5 of the submitted report.
- Astro turf to be used in all areas where dogs will be to provide added insulation against sound.

Local residents had been consulted and letters of objection and support had been received. It was noted that the concerns of both neighbours at 79 and 83 had not been alleviated and that concerns of one neighbour who works shifts had been omitted from the submitted report.

It was also noted that concerns had been raised by residents that the report was biased and unfair, that plans had been sent out after the report had been written and that there were issues in relation to the Environmental Health Officers comments.

It was noted that no officer from Environmental Health was available at the meeting.

Members were asked to note the following conditions set out in the submitted report:

- Temporary permission of 12 months
- Condition 5 to be amended slightly to include more information in relation to insulation
- Condition 6 to have a detailed management plan in relation to appointment system, dog owners to remain present throughout the appointment, use of appropriate drying equipment for the dogs.

Members were informed that there was another hydrotherapy business in Garforth however that business also offered grooming and other services. This business would only be offering canine hydrotherapy.

Mr Collard the neighbour of 79 Wakefield Road and Mr Tuck of 83 Wakefield Road were at the meeting and addressed the Panel.

Mr Collard raised the following concerns:

- Wakefield Road is a busy main road
- There was limited parking spaces
- There would be reduced visibility from the drives onto the main road
- Regular access was required for Mr Collard's daughter
- Reduced privacy particularly during summer months when they would want to make use of the garden.
- Customer noise and disturbance
- The building to be used was made of timber not brick
- The building was closer to neighbours property then identified in the submitted report
- When he had purchased the property two years ago this business had not been mentioned had it been he would have reconsidered buying.

Mr Tuck addressed the Members informing them that he was a shift worker and was of the view that the business would disturb his sleep with customers coming and going, banging of car doors and dogs barking. He said that there could be up to 15 dogs a day.

Mr Tuck said that he was a dog owner himself and that customers coming and going would affect his own dogs' behaviour.

He explained that his family used the garden at the rear a lot and that the business would affect their privacy.

Members were informed that this matter had been ongoing since March and that responses were passed to local Councillors and to Planning Officers although no feedback had been received from Planning Officers.

Mr Slater on behalf of the applicant was present at the meeting. He apologised that his partner, the applicant was unable to attend. He said that it had not been their intention to upset anyone and that was the reason all the conditions had been agreed to. He said that all the objections and concerns had been taken on board.

Mr Slater explained the proposed operation of 1-2 dogs with the owner present throughout the appointment. He said that his own dog would be in the house.

He had visited his neighbours and explained the business proposal.

Mr Slater informed the Members that this service was in high demand but was short in supply.

He explained that he is a dog owner himself and understands how excitable and noisy dogs can be and that was the reason for the reception area so that it can be used for cross over. He explained that the applicant had worked with dogs at a hydrotherapy pool and the dogs were usually fairly quiet.

The applicant could give no assurance that dogs coming for appointments would not meet during cross over. It was suggested the use of two doors one in and one out to try and avoid this problem.

Mr Slater informed the Panel that there was another hydrotherapy pool in Garforth but they also offered other services. It was not their intention to provide any other services and referral would be via a vet to do only what the vet suggested. He said that they had bought the property because of the pool with the hope that they would get permission for change of use. He said that having the business in this location would be convenient as his children attended the school in the area.

Mr Slater went on to say that the condition of a temporary time limit of 1 year had been put in place to review the impact on the neighbours.

Members had concerns that if the impact on the neighbours was causing distress the period of 12 months was too long and suggested that the period be reduced.

The Chair made the comment that the Panel had little objection to the application per say. However Members did have concerns and the Chair asked if Members wished to defer for more information. This suggestion was not taken forward.



Councillor Hamilton moved the motion as set out in the submitted report with Councillor Wilkinson seconding the motion.

Councillor Gruen sought to move an amendment in relation to the time limit of 12 months being reviewed after 6 months. The Legal Services Officer provided advice to Members in relation to a time limited condition and as a result of the advice received Councillor Gruen subsequently withdrew the proposed amendment.

When put to the vote the motion moved by Councillor Hamilton and Seconded by Councillor Wilkinson the motion fell.

Members continued to discuss the application as they were not against the proposal in principle but were of the view that further information was required to address the concerns of the neighbours.

Members discussed the following points:

- More information required on insulation
- Sufficient parking
- Management plan for dogs meeting on the way to and from therapy
- Toileting issues
- Fencing between domestic garden and business
- Noise disturbance during the summer months when windows would be open
- Temporary time limit of 12 months

It was also clarified that no maladministration had taken place in relation to letters of representation.

It was suggested that Members may wish to defer for further information The Legal Officer provided guidance with regard to calling for a new motion.

At the conclusion of the discussions Councillor Wadsworth moved a motion to defer determination of the application pending further information. The motion was seconded by Councillor S McKenna. On being put to the vote, Councillor Wadsworth's motion was passed, and it was

**RESOLVED – That:-**

- a) The determination of the application be deferred pending further information in relation to:-
  1. Detailed management plan in relation to crossover and dogs meeting
  2. Details of insulation scheme and its effectiveness to be submitted to Planning for approval
  3. Movement of vehicles
  4. Environmental Health Officers comments in relation to noise and possible disturbance to neighbours
- b) Discussions to be encouraged between applicant and neighbours and;
- c) An Environmental Health Officer to attend when the application is considered

**174 16/06901/FU - Detached dwelling to rear and formation of new access and hardstanding at 4A Ascot Road, Kippax, LS25**

The report of the Chief Planning Officer was seeking consideration for a detached dwelling and garage and formation of new access and hardstanding to rear of No 4A Ascot Road, Kippax, LS25 7HT.

The application was a backland plot associated with the ownership of No 4A adjoined by the residential gardens of properties on Ascot Road, Epsom Road, Westfield Lane and Goodwood Avenue.

Members were informed that the application had been previously to Panel where it had been approved. However, there had been an appeal to conditions on 13/04515/FU relating to Permitted Development and side door conditions retained. This issue was explained to the Panel and that Planning Officers would seek to add this condition again.

Members noted that there were bungalows in the area with properties located to the rear of the proposed dwelling but that the dwelling would not impact on those properties as they were not close. It was noted that some of the properties at the rear had dormer windows which would overlook the site.

Highways had deemed the access suitable with a turning area, with vehicles able to access and egress in a forward gear. There was sufficient parking for 2 vehicles to the front of the garage.

It was noted that officers would be looking to add an extra condition to brick up the side door to no 4A Ascot Road.

Members were informed of an anticipated CIL payment of circa £7,835 unless self build exemptions were applied for but that this was for information only and was not a material planning consideration.

Members' comments included the following:

- That the build would be a combined footprint of both 4A and 4B Ascot Road.
- The email sent to the Members had quoted the size of the proposed dwelling as being 'reasonable and necessary'.
- Members expressed their concerns at the officer recommendation after the previous application and subsequent appeals.

Members were advised that the resident had misunderstood the reason why the Inspector imposed a condition withdrawing permitted development rights. The condition was not imposed because the Inspector considered the site could not accommodate anymore development. It was imposed so the local planning authority could consider the planning merits of any further development. It was noted that these had also been the concerns of Planning Officers on this and the previous application.

Members were informed that this proposal had been reduced in height and now took the form of a genuine bungalow, but was still larger in footprint than the previously approved dwelling on this site. It was noted that the proposed footprint under consideration was some 59sqm larger than the previous application.

Members were advised that Condition 6 related to the removal of Permitted Development rights.

Members expressed their concerns in relation to the access route and visibility. Members were advised that the boundary fencing was to be lowered to improve visibility.

**RESOLVED** – Members resolved to accept the officer recommendations and grant permission subject to the conditions set out in the submitted report.

**175    13/03196/FU - Full Planning application for the erection of 88 dwellings including associated car parking and garages, formation of new access, public open space , landscaping and parking facilities at land off Grove Road, Boston Spa, Wetherby**

Further to Minute 158 of the meeting held on 13<sup>th</sup> April 2017 the Chief Planning Officer submitted a report seeking approval of a residential development comprising of 88 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities at Grove Road, Boston Spa.

Members were advised that 3 additional letters of objection had been received with issues raised as follows:-

- Impact on the house to the south of the site called Meadow View in terms of privacy and outlook;
- Increased traffic and congestion and unsuitability of roads;

- Impact on peace and tranquillity of the adjacent hospice;
- House types of basic 1980s design and out of keeping with Boston Spa;
- Previous Miller Homes customers had been dissatisfied with their new home;
- Comment querying why the Panel report was dated 11<sup>th</sup> May, despite being published earlier.

It was noted that all the issues raised had been covered at the previous Panel meeting of the 13<sup>th</sup> April, other than the final bullet point, the report was dated when the Panel were due to consider the matter.

Members were also advised of an amendment to the Section 106 Agreement to include an additional obligation to construct the boundary fencing to the hospice boundary and to maintain it as part of the on site public open space maintenance. Details of the fencing would be appended to the Section 106 agreement.

Members were advised how Miller Homes intended to address previous concerns:

- The boundary to the hospice was to be maintained through the Section 106 agreement by a management company
- A LEAP (local equipment area of play) play area similar to the one on the Wetherby development was to be provided on the main area of public open space in the north east corner of the site.
- The 'Corner Turner' (Kipling) house type had been removed from 3 plots and replaced with a more traditional house type.
- Speed limits on Grove Road would be addressed within the Section 106 Agreement
- A section of hedge would be removed at the Grove Road/ Green Lane junction and dropped crossings provided to facilitate the crossing of these roads.
- Staggered metal railings would be provided to ensure that pedestrians and particularly children could not run straight out onto the road.
- Similar staggered railings would also be provided on the new section of footpath that leads to the bus stop.
- The pumping station required at the north eastern corner of the site would be 2 small cabinets and associated hardstanding that would be enclosed with hoop top railings and soft landscaping.
- The applicant Miller Homes had agreed to participate in a consultative forum and that this would form part of the planning conditions.

Members discussed the following points:

- That a standard condition be added to all large developments for the applicants to participate in local consultation forums.
- Section 106 agreement to address local employment issues

Members were informed that the applicant was eager to get on site and start the development.

The Panel was advised that the Euro Lock had been found to be an unsuitable deterrent against burglary therefore new locks were to be used at this development. Members requested that this be a standard condition for new developments but were advised that this was required by building regulations and it was not therefore appropriate to impose a planning condition.

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and the prior completion of a section 106 Agreement as set out in the submitted report.

### **CHAIRS COMMENT**

The Chair informed the Panel that this was the last North and East Plans Panel of this municipal year.

He thanked all Panel Members for their input and contributions over the past 12 months.

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

The next meeting of the North and East Plans Panel will be on Thursday 15<sup>th</sup> June 2017 at 1:30pm.