

NORTH AND EAST PLANS PANEL

THURSDAY, 4TH AUGUST, 2016

PRESENT: Councillor N Walshaw in the Chair

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

The following sites were visited by Members on the morning of the Panel :

16/00652/FU – 18 Borrough Avenue, and

16/01027/FU – 576 Harrogate Road

These were attended by Councillors Walshaw, Hamilton, Ritchie, S McKenna and Wilkinson.

32 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

33 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

34 Late Items

There were no late items.

35 Declarations of Disclosable Pecuniary Interests

There were no declarations of pecuniary interests. However, David Newbury the lead planning officer for the Panel declared a non-pecuniary but prejudicial interest in item 13 as the agent acting on behalf of applicant was a friend. David Newbury was not in attendance for the duration of this item.

36 Apologies for Absence

Apologies were received from Cllr. J Procter. Cllr. Barry Anderson substituted.

37 Minutes

RESOLVED – That the minutes of the meeting held on 30th June 2016, were approved as a correct record.

38 16/01027/FU - Demolition of former care home and construction of five flats with parking at 576 Harrogate Road, Moortown, Leeds, LS17 8DP

The report of the Chief Planning Officer for the demolition of a former care home and construction of five flats with parking at 576 Harrogate Road,

Moortown, Leeds LS17 8DP set out the following suggested reason for refusal for Members consideration.

The Local Planning Authority considers that by reason of the overall size and scale of the proposed building and the amount of associated hardstanding the proposal would result in an overdevelopment of the site not in keeping with the established residential character of the area and resulting in harm to the character and visual amenity of the area. The proposed development is contrary to City Council's Core Strategy (2014) policy P10, the saved UDP Review (2006) policies GP5 and BD5 and the guidance contained within the Neighbourhoods for Living (SPG) and NPPF.

The application was considered at North and East Plans Panel on the 30th June 2016, where Officers had recommended approval of the proposal, subject to conditions. However, at the meeting Members resolved not to accept the officer recommendation and expressed concern in relation to overdevelopment of the site and harm to the character of the area. Members requested that a suggested reason for refusal be presented to the Panel for their consideration. Minute 30 refers.

Members had visited the site earlier in the day and felt that the site was much larger than the impression conveyed by the plans and photographs at the presentation at the Panel on the 30th June.

Members had noted that a large section of the site was already given over to hardstanding and they were of the view that the Council would lose should the application go to appeal.

Members said that they would like to see more greenery at the front of the site and oil interceptors to the parking areas.

Mr Saffer a speaker in favour of the refusal of the application attended the Plans Panel, he was grateful that Members had visited the site.

He said that he had lived in the area for 24 years and the development would dramatically change the nature of the area, he said that residents were opposed to the development and similar developments which were due to be presented in the future.

The lead officer for the Panel informed the Panel that although there was local concern there was nothing in planning policy to object to flats he said that it was more about the impact on the area.

In response to questions from Members Mr Saffer said that cars had not been an issue when the site was a care home he said that there was an issue with the shops nearby and the public house, double yellow lines made this minimal, but he was of the view that 5 flats would generate a number of cars in the area causing long term parking on Harrogate Road and on Crescent Gardens.

Members noted that there were flats across the road from the proposed site which had been built about 25 years ago.

Members were informed by the Highways Officer that 11 spaces were sufficient for five flats with two standard spaces for each flat and one for visitors.

RESOLVED – That Members decided to defer and delegate approval to the planning application to officers subject to:

- The conditions listed on the Panel report of 30th June 2016 with an additional condition concerning the provision of oil interceptors to parking areas.
- Further negotiations to move the 3 parking bays at the front to the site further forward towards the centre of the area in the front of the building and the provision of additional landscaping behind.

39 16/03394/FU - Retention of 84 caravans in connection with an existing soft fruit farm at Sturton Grange Farm, Ridge Road, Micklefield, Leeds, LS25 4DZ

This application sought the retention of 84 caravans in connections with an existing soft fruit farm at Sturton Grange Farm, Ridge Road, Micklefield.

The application sought to retain 84 caravans for occupation by seasonal workers employed on the existing soft fruit farm. Sturton Grange Farm grow strawberries and blackberries using hydroponic and table top production techniques which involve crops being grown in narrow troughs raised on metal legs covered by Spanish style polytunnels. The circumstances surrounding the needs for the workforce accommodation on the site are no different to those in previous applications of 2009 and 2011.

The special circumstances of the application were listed at 10.6 of the submitted report.

Members noted that 10.12 of the submitted report highlighted the siting of the caravans within the Green Belt. It was noted that the caravans are sited within a natural depression in the landscape making it less visually intrusive within the landscape and that landscaping related to a planning condition had been undertaken around the perimeter of the caravan site.

Aberford Parish Council had no objections to the application as long as the public right of way was not blocked. This has now been diverted so there is no conflict.

Members noted that the application was recommended for a further temporary 3 year permission and that the application would need to be referred to the Secretary of State as a departure from the Development Plan.

RESOLVED – That Members resolved to accept the officer recommendation of approval subject to the referral of the application to the Secretary of State as it is a significant departure from Green Belt planning policy.

40 16/01391/FU - Change of use from a single dwelling house (C3) to a single house in multiple occupation (C4) at 3 Grange View, Chapeltown, Leeds, LS7 4EP

The report of the Chief Planning Officer sought planning permission for the conversion of 3 Grange View from a four bedroom family home to use as a six bedroom House in Multiple Occupation (HMO's) within Class C4 of the Uses Classes Order.

It was brought to Panel at the request of all three Ward Members who were of the view that there was already a high concentration of flats and HMO's in the Chapel Allerton ward and that larger family homes were needed.

This application had been deferred from the meeting held on 2nd June 2016, whilst clarification on Leeds Core Strategy Policy H6 was sought. Minute 12 refers

An assessment of the area showed a greater expanse of HMO's than first thought. Members noted that details of the HMO's identified were listed at 1.3 of the submitted report.

Members were informed that the proposal was for 2 car parking spaces at the property which may cause highways issues.

In response to a question from Members it was noted that all bathrooms had a toilet with an extra toilet located on the first floor.

Cllr. Hamilton declared that she had an interest in this application as she had family in the area.

RESOLVED – That planning permission be refused in accordance with the officer recommendation.

Members also considered it was important that when dealing with such applications officers undertake a detailed assessment of HMO's in the local area and have regard to the views expressed by Ward Members.

41 16/01753/FU - Change of use of dwelling house (C3) to house in multiple occupancy (C4) and dormer windows to front and rear of 6 Grange Terrace, Chapeltown, Leeds, LS7 4EF

This application sought planning permission for the conversion of 6 Grange Terrace from a four bedroom family home to use as a six bedroom HMO the C4 Uses Class Order.

This application had been deferred from the meeting held on 2nd June 2016, whilst clarification on Leeds Core Strategy Policy H6 was sought. Minute 13 refers

Members were informed that this was a Victorian mid Terrace property. It was proposed that the six bedrooms would all be ensuite with showers and toilets.

The proposal was for a dormer window to both front and rear of the property the dormer was within guidelines.

Members noted that the property had no off street parking, it was well located for bus stops and had shops nearby.

An assessment of the area showed a greater expanse of HMO's than first thought. Members noted that details of the HMO's identified were listed at 1.3 of the submitted report.

Cllr. Hamilton declared a prejudicial interest in this application as she knew the speaker.

Mr Wenham the applicant addressed the Panel saying that he did not agree that the amount of HMO's in this area would make it look the same as Headingley. He was of the view that the area would be a satisfactory student area with students living amongst families.

He said that the back yard of the property measured 4 metres by 4 metres.

Members were asked to note 10.2 and 10.4 (iii) of the submitted report which highlighted the impact that a high concentration of HMO's would have on an area including to undermine the balance and health of communities.

RESOLVED – That Members refused planning permission in accordance with the officer recommendations.

42 16/00652/FU - Retrospective application for change of use to a 6 bed HMO at 18 Borrough Avenue, Gledhow, Leeds, LS8 1LR

The report of the Chief Planning Officer sought retrospective planning permission for the conversion of 18 Borrough Avenue, Gledhow, Leeds, LS8 1LR from use as a dwelling to a HMO C4 of the Use Classes Order.

The application was brought to 2nd June 2016 Panel at the request of former Councillor Bill Urry who cited his reasons as increased levels of noise and disturbance from the C4 use and additional parking pressures and safeguarding issues for the child minding operation to the adjoining property due to the uncertainty of whom would reside at 8 Borrough Avenue.

The application had been deferred from the meeting held on 2nd June 2016, whilst clarification was sought on the Core Strategy H6. Minute 14 refers.

The application proposed a six bedroom HMO with off street parking for 3 cars with two bedrooms to the ground floor with shared bathroom, lounge and kitchen and four bedrooms and a bathroom to the first floor. Bedroom 3 was served by a skylight while the other bedrooms were served by side windows.

Members attention was drawn to 1.3 of the submitted report which highlighted the concentration of HMO's in the area. It was noted that HMO's were spread across a wider geographical area in a family suburb.

Members were also asked to note that condition 1 should be deleted from the submitted report.

Miss Babra the child minder who lives next door to 18 Borrough Avenue spoke at the Panel informing Members that there was constant noise from the property including music, and football played inside. She said that her daughter's bedroom adjoined the property.

She informed the Panel that there were eight houses on her side of Borrough Avenue and that there was already not enough parking.

Miss Babra also said that the applicant had lied on the form as HMO had started before planning permission had been sought with residents unsure as to how the house was being used.

She said that issues had arisen with noise as the fire alarm had kept going off and she had made complaints to the landlord.

She informed the Members that she was a child minder and had concerns that the use of the property as a HMO would affect her business as the property overlooked her garden and she was unsure who was living at the property. She had been told that the people who would be living there would be young professionals.

Mr Windress the agent and the landlord were also in attendance at the meeting and informed the Panel that this area was a mix of communities and was in line with policy guidelines. He said that in that locality only 7% were HMO's.

Mr Windress explained that at the beginning of the year the property had been rented as a family dwelling but ownership had changed and the management of the property was better with noise issues being addressed straight away as the landlord lived close by.

The landlord informed the Panel that he had been a landlord for 16 years he lived only 5 minutes away and that all tenants were vetted. He said that at the beginning there had been some problems but these had been addressed and no further complaints had been received.

Members raised concerns that the noise issue seemed to be ongoing according to Miss Babra and suggested that sound proofing should be considered.

The agent said that a noise specialist had been contacted and if granted permission would install sound proofing to the four bedrooms adjoining the next door property. It was noted that sound proofing would be effective and was simple and relatively cheap to install.

In response to Members questions in relation to this being a retrospective application the landlord explained that when he had purchased the property he thought that it had been operating as a HMO as it had fire doors and smoke alarms in keeping with HMO regulations and was given the impression that the property was a HMO by the agent. When it became apparent that it had not operated as a HMO he had submitted the relevant forms.

In relation to Members queries on safeguarding they were informed by the Legal Officer that DBS checks could not legally be conditioned as they would be difficult to enforce and would be deemed problematic.

Discussion took place in relation to HMO's in close proximity to nursery's and child minders.

Members were of the view that the landlord and the neighbour Miss Babra should meet and talk through issues.

The Highways Officer in response to a question explained that a swept path analysis had taken place and there was sufficient car parking space for 3 cars with independent accessibility. However, the access point would need to be widened

RESOLVED – That planning permission be granted in accordance with the recommendation subject to:

- The deletion of condition 1 – in relation to the commencement of the development
- The addition of a condition to require details of a management scheme to be submitted to and approved by the Local Planning Authority to record, address and to take remedial measures to resolve any complaints made in respect of noise and disturbance and that the records be provided to the LPA on request.
- Condition 6 to require the widening of the access point.

43 15/06942/FU - Dwelling to vacant land, adjacent to Beckfield, Station Lane, Thorner, Leeds

This application proposed the construction of a detached single storey dwelling on an infill site in Thorner. The application was reported to the Plans Panel at the request of Councillor Rachael Procter, due to the Green Belt location of the site and impact of the dwelling, concern over retaining the

existing building line, appropriate building design and appropriate boundary treatment.

It was noted that two letters of objection had been received and a letter had been received from Thorner Parish Council with regard to the Japanese knotweed and the building line.

Members were informed of the following points:

- There is Japanese knotweed on the site and this would need treating prior to the commencement of any building works
- Access to the site is by a dropped kerb which is in situ.
- The site is within the green belt
- The land is an infill site in a village
- The trees on the site are protected
- The applicant was unhappy about certain conditions in relation to the development of the site namely the biodiversity enhancement features in relation to bird and bat roost features.
- The applicant had reduced the scale of the development and moved to the development within the existing building line. As per the wishes of the Parish Council.

Members were provided with the relevant planning history as set out at 4.0 of the submitted report including information in relation to a fall-back position on planning permission granted by Wetherby District Council in 1968 and 1972.

Members were informed of the different treatments for Japanese knotweed.

Members were advised that the applicants had 6 weeks in which to appeal against the planning conditions.

RESOLVED - That planning permission be granted in accordance with the recommendations.

44 16/00015/FU - Two storey and single storey rear extension and single storey side extensions with balconies above: canopy to front; replacement chimney at Beechings Station Lane , Thorner, Leeds

This application was brought to Plans Panel at the request of Councillor Rachael Procter who is concerned that officers gave conflicting advice at the pre application stage of the application.

The application proposes to extend the detached dwelling within the Green Belt with a two storey and a single storey rear extension with canopy to the front and replacement chimney at Beechings, Station Lane, Thorner, Leeds LS14 3JF.

Two letters of support had been received commenting that the proposal is appropriate in design and would not have a negative impact upon the openness or the character of the Green Belt.

It was highlighted to Members that the proposal cumulatively with the existing extensions on the building would amount to more than a 90% increase in the volume of the dwelling and was therefore considered to be disproportionate additions to the building which the NPPF regards as being inappropriate and harmful forms of development in the Green Belt and the Council should be consistent in its approach.

Mr Moxon the applicant address the Panel informing them that he had purchased the property last year through a sealed bid process as he and his wife loved the village of Thorner and wished to bring up their family there.

The house had had very little work done to it and he wished to improve the look and the condition of the house.

A discussion took place with regard to the advice given at the pre-application stage of the application. Members noted that the advice given was for a different scheme and to a different applicant. Information provided to the Local Planning Authority was that the dwelling had not been extended previously.

It was suggested that this application be deferred to investigate this query and legal advice to be sought in this matter.

The applicant described the work that he wished to make to the dwelling informing the Members that the house was lower than the embankment, therefore would not be seen. Members said that they had no issue with the design but had concerns with the misleading advice provided at the pre-application stage.

Members were informed that any building works needed to be the size of the building that already exists.

The Legal Officer informed Members that it was not just about the Pre-application and the fact that this was Green Belt but also the cubic capacity of the building.

RESOLVED - That the application to be deferred to:

- Bring a further report back to the Plans Panel that details the pre-applications discussions that took place.
- Further negotiations to take place to see if a revised scheme can be achieved that fits with Green Belt planning policy.

Members had also raised a general point about the legibility of the drawings that form part of the presentation and that officers should ensure that any drawings presented are clear and of an appropriate scale.

45 16/01509/OT - Outline application for residential development including vehicular and pedestrian access from Wetherby Road on land at Micklethwaite Farm, Wetherby Road, Wetherby, LS22

David Newbury left the meeting at this point. Minute 35 refers.

This application was an outline application for a residential development including vehicular and pedestrian access at Land at Micklethwaite Farm, Wetherby Road, Wetherby LS22.

The application was brought to Plans Panel at the request of Cllr. John Procter who felt that the site should form part of the wider plan to re-develop the hotel site and that the Green Belt buffer should be located within the site.

Members were informed that outline permission was sought for a residential development comprising up to 7 dwellings, including means of access from Wetherby Road. Permission was sought for the principle of development and means of access only with all other matters reserved.

As part of this scheme a belt of trees that runs along the northern and eastern boundary of the site, buffering hotel and the residential estate of Micklethwaite would be removed.

Members were advised of the following points:

- There would a single entrance point to the hotel
- One buffer would be removed but replaced with another
- The public footpath would not be affected by the proposals
- Policy S6 had now been deleted
- The location is suitable for housing
- It is recognised that this area had a need for housing
- The proposed layout is good
- TPO trees to be retained
- There had be no objections from nature conservation
- No issues regarding drainage
- Access to local schools would be through the estate located at the rear of the development
- CIL would be approximately £90 per square metre although it is not calculated at the outline stage

RESOLVED – That planning permission was granted in accordance with the officer recommendation.

An additional condition to be included ensuring that the internal access road is built to adoptable standards right up to the boundary of the site with the hotel site.

46 Date and Time of Next Meeting

The next meeting of the North and Est Plans Panel will be held on Thursday 1st September 2016 at 1:30pm.