SOUTH AND WEST PLANS PANEL

THURSDAY, 25TH AUGUST, 2016

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, J Bentley,
M Coulson, R Finnigan, P Gruen, E Nash,
A Smart, C Towler and R Wood

10 Late Items

There were no late items. Supplementary information was submitted for the following items:

- Application 16/03011/FU – 18 Welton Grove, Hyde Park, Leeds
- Application 16/03208/FU – Unit 2, Ledgard Way, Armley, Leeds
- Application 15/04285/FU – Billing Dam, Billing View, Rawdon, Leeds

11 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

12 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Akhtar and D Congreve.

Councillor P Gruen was in attendance as a substitute Member.

13 Minutes - 23 JUNE 2016

RESOLVED – That the minutes of the meeting held on 23 June 2016 be confirmed as a correct record.

14 Appeal Decision

The Panel was informed of the outcome of an appeal regarding Application 15/02489/FU for the change of use from an educational establishment to a public house and associated alterations at the former Elinor Lupton Centre, Richmond Road, Headingley.

The Panel considered the application in October 2015 and refused it on the grounds of harm to amenity and impact on local residents. The Inspector overturned this decision and granted planning permission subject to conditions. Weight was given to the restoration of a heritage asset.

A full report would be brought to the next meeting of the Panel.

15 Application No. 16/03861/FU - POSITION STATEMENT FOR Erection of 93 houses,new public open space, new roads including link from Throstle Road to Towcester Avenue, and associated works at Land to West of Towcester Avenue, Middleton, LS10 4HF.

The report of the Chief Planning Officer presented a position statement with regards to an application for the erection of 93 houses, new public open space, new roads including link road from Throstle Road to Towcester Avenue and associated works at land to the west of Towcester Avenue, Middleton.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this item.

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

- The properties would consist of 2 or 3 bedroom dwellings.
- All properties would have 2 off street parking spaces including some with garages.
- There would be 18 affordable housing units.
- The existing carriageway would be widened due to the increase in vehicle movements.
- Drainage management scheme.
- There would be an off-site greenspace contribution of £327k.
- Garden areas all met minimum size requirements with many exceeding requirements.
- Internal space of properties met with emerging space standards.
- Reference was made to concerns from local residents which included the potential for rat running, drainage and lack of GP provision in the area.
- Existing public rights of way across the site would be retained.
- The sites to be used formed part of the brownfield land and were allocated housing land.

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

- The proposals complied with national and local policy.
- The benefits of the proposals included the following:
    - Development of a regeneration site.
    - Provision of a new link road.
    - Provision of traffic calming measures.
    - Provision of open space and off-site greenspace contribution.
    - Local employment opportunities during the construction phase.
    - Full Community Infrastructure Levy contribution.
    - Improvements to drainage.

- There were still some ongoing design issues and it was hoped to bring a full application for determination in September.

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

- Concern regarding properties having adjacent front doors – it was reported that this would be referred to the developer.
- Concern regarding the lack of school places in the area.
- Concern regarding the lack of proposals for bungalows when there was a demand particularly for older and disabled people.
- With regard to the new link road, there would not be sufficient traffic or pedestrian movement to justify the inclusion of traffic signals or a crossing.
- Ward Councillors had in general been favourable towards the proposals but had expressed some concern with regards to traffic matters.
- Support for improved road linkages across the site.
- Further design details on the proposed properties was requested.
- Support for the commuted sum for off-site greenspace and the development of brownfield land.

RESOLVED – That the report be noted.

16 Application No. 16/01656/FU: Part two storey, part single storey side extension and single storey rear extension at 43 Moor Flatts Avenue, Middleton, LS10 3SS.

The report of the Chief Planning Officer presented an application for a part two storey, part single storey side extension and single storey extension at 43 Moor Flatts Avenue, Middleton, Leeds.

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

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

- The application had been referred to the Panel at the request of local Ward Members who had expressed concern that this could set a precedent for similar extensions.
- The proposed extension would be part two storey and single storey at the side and single storey to the rear of the property.
- Reference was made to representations that had been received which included impact on the streetscene and the impact on a neighbouring property.
- The proposed extension would cause some shadowing and loss of light to the neighbouring property but the majority of this overshadowing would be on the driveway and not on the garden.

- The single storey element of the extensions could be done under permitted development rights.
- It was recommended that the application be approved subject to conditions outlined in the report.

The owner of the neighbouring property addressed the Panel with objections and concerns regarding the application. These included the following:

- It was felt that the displayed plans were misleading and did not show that the extension was only 2.5 metres from their kitchen window.
- The extension would affect quality of life by causing darkness and compromising views.
- The revision to the original proposals only affected the first story part of the extension.
- There was a covenant that stated there should be no building within 6 feet of boundaries.
- In response to questions, the following was discussed:
    - The applicant had informed of plans to extend but not to the extent applied for.
    - There were smaller extensions elsewhere on the street.

The applicant addressed the Panel. The following was raised:

- The applicant had tried compromising and did not feel that the proposed extension would affect the neighbour's driveway.
- The proposed utility room that overlooked the neighbours' property would have frosted glass.
- The proposed extension would not cause the applicant problems with access to the rear of their property.

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

- Under permitted development rights, the applicant could build to the boundary at ground floor level. The wrap around part to the rear and any first floor extensions would require planning permission.
- Concern that neighbouring extensions could cause a terracing effect.
- The application met housing design guidelines and met other current guidance.
- It was requested that a report be brought to Joint Plans Panel on the issue of building on party boundaries.
- There would be overshadowing caused by the proposals even from the single storey parts that would be allowed by permitted development.
- Concern regarding parking arrangements due to the slope at the front of the property. It was reported that this could be raised to reduce the gradient and be conditioned as part of the application if necessary.
- It was proposed that the application be deferred for one cycle to allow for further negotiation with the applicant to see if further compromise could be reached.

RESOLVED – That the application be deferred for negotiation with the applicant regarding setting the extension in from the boundary by one metre at ground floor and reducing it in size.

17 Application No. 16/04334/FU - Single storey extension to side and rear at 3 Lea Farm Crescent, Kirkstall, LS5 3QQ

The report of the chief Planning Officer presented an application for a single storey extension to side and rear at 3 Lea Farm Crescent, Kirkstall, Leeds.

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

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

- The application had been referred to the Panel as it had been made by the wife of a Leeds City Councillor.
- There had not been any objections to the application.
- The only part of the proposed extension that was not covered by permitted development was where the garage currently stood.
- The proposals were of a contemporary design and not considered to have a harmful impact. The rear was not visible from the street scene.
- The application was recommended for approval.

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

- There would not be access to the rear from the front of the property,
- There was no space within the properties boundaries to move the extension.
- As there was no objection to the application, it was proposed to approve.

RESOLVED – That the application be approved as per the officer recommendation and conditions outlined in the report.

18 APPLICATION No. 16/03011/FU – Change of use of dwelling (C3) to House in Multiple Occupation (C4) at 18 Welton Grove, Hyde Park, Leeds. LS6 1ES

The report of the Chief Planning Officer presented an application for the change of use of dwelling (C3) to House in Multiple Occupation (C4) at 18 Welton Grove, Hyde Park, Leeds.

Photographs of the property and surrounding area were displayed and referred to throughout the discussion on this application.

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

- The application was for a Class C4 House in Multiple Occupation that would house between 3 and 6 tenants.
- Reference was made to policy which did not allow the conversion of properties to HMOs in certain areas.
- It was reported that two thirds of the street currently consisted of HMOs with the rest being family housing.
- The son of the current owner had requested the change of use to make the property more attractive for sale.
- It was recommended to refuse the application and it had been referred to Panel at the request of a local Ward Councillor.

The applicant addressed the Panel. He raised the following issues:

- The property had been in the family for the previous forty years. Due to his father's ill health, the applicant wished to sell the property to fund the purchase a property that was more suitable for the provision of his father's care.
- Due to the high density of HMOs in the area, the sale as a family property was undesirable and the property would not attract the necessary funds to purchase a property suitable for his father's needs.
- The property was not suitable for the necessary adaptations for his father's needs and Adult Social Care had suggested re-housing. The change to a HMO would allow a sale that would enable the purchase of a suitable property and remove the burden of the Council having to rehouse his father.

Further to questions from Members, it was reported that it had been established through previous cases and appeals that due to policy and planning case law, similar decisions based on an individual circumstances do not form the basis for a change in use of a dwelling.

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

19 Application No. 16/03208/FU. Change of use of retail warehouse unit (sui generis) to private adult members club (sui generis) at Unit2, Ledgard Way, Armley, LS12 2ND.

The report of the Chief Planning Officer presented an application for the change of use of a retail warehouse unit (sui generis) to a private adult members club (sui generis) at Unit 2, Ledgard Way, Armley, Leeds.

Members visited the site prior to the meeting and site photographs and proposed internal layouts were displayed and referred to throughout the discussion on the application.

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

- The application had been brought to the Panel at the request of local Ward Councillors due to a high level of public interest.

- The Panel was informed of the access and parking arrangements at the site and details of other properties in the area including distances to residential properties which were at least 70 metres away.
- Members were informed of representations received from local residents.
- It was not felt that the change of use of the premises would cause any conflict to residents or any anti-social behaviour. Similar premises had operated elsewhere in the City without complaints.
- Members were shown the proposed layout and the outdoor smoking area for the premises would only be accessible from within.
- There would only be minimal outdoor signage.
- The premises did not require a Sexual Entertainment Licence as there would be no charge for services. There would not be other licensable activity as there was no sale of alcohol.
- The application was recommended for approval.

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

- The bar area at the premises would only serve soft drinks. Customers could bring their own alcohol.
- The premises had been closed for approximately 6 months.
- Only discreet signage would be permitted outside the premises and this could be conditioned.
- It was not felt that there would be a noise nuisance as the Stanningley bypass ran between the premises and nearby residential properties.
- Concern was expressed due to the proximity of residential properties, schools and Armley Town Centre. It was felt that this application went against the efforts of the Council and other partners in the regeneration of Armley Town Centre.
- Sympathy was expressed to the concern of Ward Members and local residents but there was not sufficient planning grounds to refuse the application.

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

20 Application No. 16/01979/FU – Change of use from existing retail showroom to form assembly and leisure (D2) at 14 Crawshaw Hill, Pudsey, LS28 7BA

The report of the Chief Planning Officer presented an application for the change if use form existing retail showroom to form assembly and leisure (D2) at 14 Crawshaw Hill, Pudsey, Leeds

Site plans and photographs were displayed and referred to throughout the discussion on this application.

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

- The premises fell within the Pudsey Conservation Area.
- The application had been referred to Panel at the request of a local Ward Councillor due to concerns regarding highway safety and car parking.
- Members were shown proposed internal layouts for the premises and the application would cover both floors of the building.
- There had not been any highways objections to the application.
- It was recommended to approve the application subject to conditions outlined in the report.

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

- The premises had been empty approximately 18 months.
- The business would initially be family run but it was hoped that once established there would be job opportunities for local people.
- Car parking arrangements in the local area were explained and there had been no objections in relation to this.
- Concern was expressed regarding the double yellow lines on Crawshaw Hill and concern that people would park where the lines were discontinued. It was agreed to investigate as to why the lines were discontinued and that whether a traffic regulation order would be required to resolve this and prevent parking on Crawshaw Hill.

RESOLVED – That the application be approved in principle but deferred and delegated for approval to the Chief Planning Officer subject to clarification of the extent of double yellow lining on Crawshaw Hill and the relocation of the bin store to a more suitable place.

21 Application No. 15/04285/FU - Erection of dwelling with angling facility, car parking and retaining wall, Billing Dam Fishery, Billing Dam, Billing View, Rawdon, Leeds LS19 6PR.

The report of the Chief Planning Officer presented an application for the erection of a dwelling with angling facility, car parking and retaining wall, Billing Dam Fishery, Billing Dam, Billing View, Rawdon, Leeds.

Site plans and photographs were displayed and referred to throughout the discussion on the application.

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

- The application had previously been considered at the meetings held in October 2015 and March 2016 where it had been deferred to give the applicant opportunity to demonstrate the very special circumstances for development in the greenbelt and to demonstrate the viability of the proposed angling business.

- The proposed fishing business relied heavily on income from schools.
- A survey regarding the business proposals had only received three responses and it was not felt that this supported the demonstration of a viable business.
- It was recommended that the application be refused.

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

- Concern that if the fishing centre failed as a viable business that a dwelling would be left in the greenbelt.
- It was felt that the applicant had been given opportunity to demonstrate the viability of the business but had not been able to provide a convincing business case.
- Further to a query to regarding allowances for development in the greenbelt for small businesses it was reported that this was more towards the re-use of abandoned buildings.

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

22 Date and Time of Next Meeting

Thursday, 22 September 2016 at 1.30 p.m.