

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 9TH FEBRUARY, 2017**

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

Councillors S Arif, B Cleasby, R Grahame,  
S Hamilton, S McKenna, K Ritchie,  
P Wadsworth, G Wilkinson and E Nash

### **SITE VISITS**

Councillors: Walshaw; R Grahame; Nash; Hamilton; Ritchie; and, Wilkinson attended the site visits earlier in the day.

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

There were no appeals against refusal of inspection of documents.

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

There were no exempt items.

#### **115 Late Items**

There were no late items.

#### **116 Declarations of disclosable pecuniary interests**

There were no declarations of disclosable pecuniary interests. However, Cllr. R Grahame asked that it be noted that items 8 and 9 sat in the Cross Gates ward where his wife Cllr. P Grahame was a Ward Member.

#### **117 Apologies for Absence**

Apologies for absence were received from Cllrs. C Dobson and J Procter. Cllr. Nash attended the meeting as substitute for Cllr. Dobson.

#### **118 Minutes**

The Chair reported the receipt of comments in respect of minute 111 from members of the public present at the last meeting, a suggested amendment to that minute was circulated for consideration by Members. Having had a discussion on the matter it was

**RESOLVED** – That the minutes of the meeting held on 5th January 2017 be approved as a correct record subject to the following amendments.

- a) That the Members who attended the site visit be included in the minutes.
- b) That minute 111 be amended to include the following paragraph;

“Ms McQuire said that the report of the Chief Planning Officer omitted to include the concern that there are inaccuracies around the frontage measurements, and they would exceed the core strategy percentages of 30% non-retail on this parade.”

**119 16/05784/FU - Two storey detached house with attached garage at 17 Manor Park, Scarcroft Leeds LS14 3BW**

The report of the Chief Planning Officer sought permission to construct an additional dwelling on the site which will be located within the side garden of no. 17 Manor Park, Scarcroft.

The application was brought to Panel by Cllr. R Procter who considered that the proposal would give rise to concerns affecting more than the neighbouring properties and in particular, raised issues of highway safety and harm the character of the area.

A site visit had taken place earlier in the day. Plans and photographs of the site and proposals were shown at the meeting.

Members were informed that there was an approved application to demolish the current dwelling on the site and to construct a one detached dwelling. A previous application to construct two detached dwellings on this site had been withdrawn. It was noted that officers supported the principle of 2 dwellings on this site.

It was noted that the properties on Manor Park and along Hellwood Road were varied in terms their scale, architecture and materials. Their builds were of brick, render and stone.

The current application proposed a new dwelling of two storey form to sit within the side garden on the existing dwelling between properties 17 and 21. It was to be accessed off the private drive known as Manor Park conifers in front would be removed for the access.

It was noted that the rear of the property backed on to green belt.

The proposed dwelling would be screened from number 21 by conifers along the boundary. The dwelling would be of stone build with a slate roof so that it would fit into the character of the area. The dwelling would be of same height therefore not over dominating properties on either side.

It had been suggested that pedestrian and highway safety would be an issue. However, Members noted that the road already provided access to 19 dwellings and the addition of one more property would not have a significant impact on highway safety. Members were shown photographs of visibility from Hellwood Road leading on to A58 that was considered acceptable..

It was noted that a similar application in Bardsey where access had been an issue with the road being faster substandard access and visibility had been granted.

Members noted a comment at 6.3 of the submitted report that the parish council had objected to the build as it would be of brick and would not fit with the character of the area. However, it was the view that this had been misinterpreted as the dwelling was to be constructed in stone.

Members had raised concerns on the environmental impact of the area as it was noted that there was deer in the area. However, they were informed of perimeter treatment of a wall at the rear of the property.

Members also raised concerns that a majority of the properties in the area had stone tiled roofs and that slate would be out of character. Members suggested that good imitation stone tiles be used.

It was noted that objections had been received relating to;

- Heavy vehicle access on private road
- Over-dominance at number 21
- Disruption during construction
- Design of the dwelling not in character of the area

It was noted that the un-adopted road was in good condition. However, the road was narrow and that within condition 5 of the submitted report all contractor vehicles should be kept off the road with parking provided on site.

RESOLVED – Members resolved to grant planning permission in accordance with officer recommendation.

An informative is to be added to the decision notice to inform the applicant that the condition attached to the permission that requires details of a construction management scheme to be submitted and approved should make provision for contractors' vehicle to be parked on site.

**120    16/06524/FU - Change of use at ground floor from a bank (A2) to hot food takeaway (A5) with new shop front and extract flue to rear at 28 Austhorpe Road Crossgates Leeds LS15 8DX**

The report of the Chief Planning Officer proposed a change of use at ground floor from Bank (A2) to hot food takeaway (A5), with new shop front and extraction flue to the rear at 28 Austhorpe Road, Leeds.

The application was brought to Plans Panel by Councillor P Gruen on the grounds of highway safety, impact on residential amenity and proliferation of hot food takeaways which would give rise to concerns affecting more than neighbouring properties.

Members were shown plans and photographs at the meeting. The red line boundary and access arrangements to the rear were clarified at the meeting.

Members were informed that currently there was no specific occupier identified for the ground floor property.

Members were shown the location of the extraction flue on the plans submitted.

Additional comments made by Councillor P Gruen were considered in relation to the number of hot food takeaways in the area and the need for a cumulative impact assessment to which the community and businesses could contribute. It was noted that a cumulative impact assess for the area was due to go to Development Plans Panel in March. He also expressed concerns in relation to the maintenance of a clean, tidy, rubbish free area externally to the shop and reasonable opening hours so that residents do not suffer from late noise and inconvenience. He requested that the Panel properly conditioned, with, if necessary, enforcement action following in a timely manner.

It was noted that a third party had raised concerns in relation to rear access. However, this had been clarified earlier in the meeting.

Members also noted the following:

- That deliveries could take place to the rear of the property
- That only 3 customer delivery vehicles (motorbikes/scooters) to be on site at any one time
- That the use of roller shutters would be submitted to planning prior to approval
- That there were no highways safety issues

Professor Judge of Cross Gates Watch spoke at the meeting against the recommendation informing Members that a lot of information had been omitted from the officer's report. He informed the Panel that the owner had said that he would not allow access across his land to the rear.

Professor Judge was of the view that the design of the takeaway was poor and may even be illegal with the siting of the toilet opening onto the food preparation area.

He had concerns in relation to the closing time of 23:30 hours as he believed that this time conflicted with the World Health Organisation recommendations in relation to sleep patterns. He suggested that 22:00 hours would be a more acceptable closing time.

Professor Judge also requested that Members note the following points:

- That there was no adequate parking for customers or staff
- That there was no specific area for deliveries
- That there was a 24 hour taxi firm next door
- That Crossgates had 20 hot food takeaways within a half mile of this location with only one fruit and vegetable store.
- That neighbouring businesses had not been given permission to cross the land to the rear.

- No separate storage for the stock or cardboard boxes available
- Not sufficient toilets for the proposed number of staff

Mr Cook on behalf of the applicant attended the meeting and informed the Panel that the property had been vacant for 12 months and although it had been marketed it had only received one user for a firework shop which had been for a time limited period only.

Mr Cook went on to say that the vacant floors would play a vital role in housing. It was noted that the use of the vacant property as a bank had been of the view that the area had a variety of shops and that the proposed takeaway would provide vitality to the area at different times of the day.

It was noted that the plans before Members provided bin stores and provision for cycles and motorcycle parking to the rear of the property.

Mr Cook said that there had been no consultation undertaken in the area.

It was noted that Highways had checked the rear access and had record of the plan of the adoption of the road which showed that the curtilage of the rear access extended to 28 Austhorpe Road.

Mr Cook informed the Panel that the applicant was currently in talks with a national operator who was requesting opening hours until 23:30. It was noted that the operator would require a licence to operate after 23:00 hours.

It was the view that the design and internal layout of the property were within in guidelines for health and safety legislation.

It was noted that the hot food takeaway would require an extraction flue and this had been included within the conditions set out in the submitted report.

It was also noted that a condition had been included in the submitted report for sound insulation. Therefore, there would be no amenity impact.

The Highways Officer at the meeting clarified that given the current lawful use of the site and the sustainable location the lack of dedicated parking was considered to be acceptable in these particular circumstances. The Highways Officer quoted paragraph 9.4.1 of the Council's Parking SPD and the advice in the National Planning Policy Framework and the need to demonstrate 'severe' highway impacts if an application is to be refused.

Members raised concerns in relation to the location of the extraction flue. They were assured that the discharge of the flue was one metre above the window and was within DEFRA guidelines. However, the height of the flue was not fixed and it could go higher. It was also noted that there would be 3.6 metres between the window of the proposed flat and the flue and that this would be within legal limits.

Members were informed that Environmental Health and Ward Councillors would be consulted prior to the installation of external extraction equipment.

Members discussed the proposal of a cumulative impact assessment for the area and the benefits that such assessments had produced in other wards. The Panel was supportive of this suggestion. Members were informed that a Supplementary Planning Document in relation to hot food takeaways was due to be heard at the Development Plans Panel in March. However, there was no such policy as yet.

**RESOLVED** – Members to grant planning permission in accordance with officer recommendation subject to:

- Amendment to condition 6: Details of extract ventilation details to be submitted and approved (officers to consult with Environmental Health on the submitted details and to ask them to have regard to any planning permission that may be granted for the use of the upper floors as studio flats. Officer also to consult with Ward Members on the submitted details)
- Amendment to condition 10 to limit delivery vehicles to motorbikes/scooters, deliveries from the premises should take place from the rear and no more than 3 motorbikes/scooters on site at any one time.
- Additional condition: Details of any external roller shutters to be submitted and approved.
- Letter to be sent to Licensing Team setting out the Plans Panel support for a cumulative impact policy for Cross Gates

Councillor Wadsworth left the meeting at the end of this item.

**121 16/05597/FU - Change of use of vacant first and second floor former offices to three flats with new dormer window to rear at 28 Austhorpe Road Crossgates Leeds LS15 8DX**

The report of the Chief Planning Officer proposed a change of use of vacant first and second floor former offices to three flats (use Class C3), with new dormer window to rear at 28 Austhorpe Road, Leeds.

The application was reported to Plans Panel at the request of Councillor Peter Gruen on the grounds of highway safety, impact on residential amenity which could give rise to concerns affecting more than neighbouring properties.

Members noted the following comments by Councillor P Gruen and the Cross Gates Watch:

- The preference of commercial use in the upper floors of this property
- Parking activity where demand already outstrips supply

- The size of the studio flats
- To consider two larger flats rather than the three proposed
- The fact that the report had been published before the expiry of revised consultation period
- The introduction of a terrace at the first floor level with concerns in relation to sound and disturbance impact that the use of this may cause to residents below
- Implication in terms of noise and odours from two heavy duty vents located on the flat roof of the shopping centre. Said to be only 2metres away from one of the flats and below the level of the proposed new dormer
- Concerns in relation to the road, new and existing ventilation systems, and the new terrace
- Fire risk in relation to hot food takeaway below the flats and only one means of escape down a staircase that extends three floors.

In response to the comments received from the Ward Councillor and the Cross Gates Watch the Panel were informed of the following:

- The property had been vacant for 12 months
- The report had been written with 2 days left of the consultation period. However, the Panel received comments from that consultation verbally at the meeting
- The noise from the road could be addressed using sound insulation and double glazing
- No specific risk of fire in relation to the internal layout had been identified by the Housing Regulation Team
- The size of the studio flats were deemed to be adequate for the level of occupancy and were within national standards

Professor Judge of the Cross Gates Watch informed the Panel of the following points:

- That this application ignored the principles of good design as set out in the Core Strategy
- That guidance in relation to noise and vibration from the road and extraction units had been ignored
- That parking should be provided for each unit, he said that this application had not addressed this issue
- The proposed flats were small and the top floor flat had limited head room
- The fire safety issue in relation to the design and layout of the flats. Professor Judge quoted an incident of fire at a takeaway a few doors away
- Was of the view that the access to the flats was not safe or secure for future residents as it was through an ill light narrow passageway

Mr Cook on behalf of the applicant informed the Panel of the following points:

- Condition 3 of the submitted report would deal with sound insulation at the properties to mitigate noise and vibration from neighbours, road and ventilation units

- The architect had looked at providing only two flats. However, the property 'lent' itself better to providing three studio flats
- The studio flats measured 39 square metres and the national standard was 32 square metres
- The architect had made the flats open plan as corridors were thought of as dead space and open plan would provide more natural sunlight in the studios. It was noted that there was no roof lights on the plans for studio two. Members asked that this be considered.
- Health and Safety had not highlighted the studio flats as a fire risk

Members discussed the National Space Standards. They were provided with clarification on measurements in relation to flats and studios.

In response to Members questions on access to the flats they were informed that the flats would have a separate access. And that in accordance with fire regulations there would be another door that could be used by both the hot food takeaway and the occupants of the flats as a fire exit.

**RESOLVED** – Members resolved to grant planning permission in accordance with officer recommendation subject to the following:

- Amendment to condition 3 in relation to sound insulation and inclusion of appropriate glazing to windows
- Additional condition to require details of a rooflight to studio 2 to be submitted and approved

Councillor Hamilton requested that when dealing with details submitted pursuant to the planning permissions granted at 28 Austhorpe Road that regard be had to the operation of plant and equipment and works associated with the use after the shop had closed.

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

The next meeting of the North and East Plans Panel will be Thursday 9<sup>th</sup> March 2017 at 1:30pm.