

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 15TH JUNE, 2017**

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

Councillors C Dobson, R Grahame,  
S Hamilton, S McKenna, E Nash, K Ritchie,  
P Wadsworth and G Wilkinson

### **SITE VISITS**

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

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

There were no appeals against refusal of inspection of documents.

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

There was no exempt information.

#### **3 Late Items**

There were no late items.

#### **4 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

However, Cllr. Ron Grahame did declare an interest in item 7 - Change of use on ground floor from doctors' surgery/ pharmacy to public bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser, and extraction equipment to roof; new fencing and parking to rear of 39 Austhorpe Road, Crossgates, LS15. The application was within his wife Cllr. Pauleen Grahame's ward.

Cllr. Hamilton also declared an interest in item 8 – 16/07106/FU – Demolition of existing bungalow and erection of detached house, 402 Street Lane, Roundhay, LS17, as this application was within her ward.

#### **5 Apologies for Absence**

Apologies for absence were received from Cllrs. John Procter and Brian Cleasby.

On this occasion no substitutes had been appointed the Chair requested that representation go to Whips to ensure that substitutes are sort when necessary.

## **6 Minutes**

The minutes of the meeting held on 11<sup>th</sup> May 2017 were approved as a correct record.

## **7 Matters arising**

The Panel were provided with an update in relation to Minute 173 – Change of use of domestic swimming pool to form canine hydrotherapy use (sui generis), 81 Wakefield Road, Garforth, LS25 1AR. It was noted that this application had now been withdrawn.

## **8 16/05185/FU - Change of use on ground floor from Doctors surgery/Pharmacy to Public Bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear of 39 Austhorpe Road, Cross Gates, LS15**

The Report of the Chief Planning Officer asked Members to consider an application by J D Wetherspoon PLC for the change of use on ground floor from doctors surgery/pharmacy to public bar (A4), two storey rear extension; pavement seating area; external alterations including new doors and windows, condenser and extraction equipment to roof space; new fencing and parking to rear, 39 Austhorpe Road, Leeds 15.

The Chair informed the Panel that due to the submission of late information provided by the applicant and following legal advice that the item be deferred for one cycle to allow for the report to be updated and revised to reflect the changes to the scheme since the report was drafted.

Ward Councillors and members of the public were in attendance for this item. The Chair provided an explanation why the item should be deferred as the late information related to on-site parking, refuse and deliveries and required assessment by Environmental Health Team.

**RESOLVED** - Members agreed to defer the application for one cycle to allow for all new information to be assessed and presented to the Panel in a revised report at the meeting to be held on 13<sup>th</sup> July 2017.

The Chair thanked the Councillors and the public for their attendance at the meeting for this item and apologised for any inconvenience caused by the decision to defer.

The Chair went on to say that it was unacceptable for applicants particularly this applicant to submit information at such a late date. He said that the

applicant had done themselves no favours in presenting information at this late stage.

The Chair said that this Panel when considering applications needed to be aware of all the facts to make an informed and robust decision which would be able to stand up to any challenges or appeals.

**9      16/07106/FU - Demolition of existing bungalow and erection of detached house, 402 Street Lane, Roundhay, LS17**

The report of the Chief Planning Officer sought consideration for an application to demolish an existing bungalow and the erection of a detached house at 402 Street Lane, Roundhay, Leeds, LS17 6RW.

Members were informed of an omission in the report in relation to the fact that the Moortown Neighbourhood Design Statement was not referred to in the policy section. Officers apologised for this omission.

Members noted that the document identified that one of the general issues facing the locality is the demolition or alterations to bungalows to build houses especially where this would lead to an overcrowded sit. It identified that there are few bungalows in the area and that such accommodation are needed by certain groups of people and so form an important part of the housing offer in Moortown.

The site falls within identified Area 2 Street Lane and North East of that document and identifies that the High Moors estate is the only significant provision of bungalows in the area. The High Moors are due north of the application site and High Moor Crescent is particularly dominant in bungalows from the junction with High Moor Avenue going west towards Donisthorpe Hall and along High Moor Drive to the northern part of High Moor Crescent where over 130 bungalows exist.

Officers concluded therefore that the loss of a single bungalow on Street Lane would not materially and adversely impact on the supply of this type of accommodation in the Neighbourhood Design Statement.

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

Members were informed that a previous application had been refused on harm to the amenity of neighbours and had been upheld on appeal. It was noted that the applicant had taken on those concerns raised in the previous application and revised plans so as not to impact on neighbouring properties.

Mr Malcolm Taylor attended the meeting on behalf of his son who lives and works from home at 400 Street Lane.

Mr Taylor informed the Panel that currently the property benefits from complete privacy on the back courtyard and that if the proposal was to be granted this privacy would be lost.

Members heard that Mr Taylors' sons was a chiropodist who ran is practice from home and that the lack of privacy would impact on his clients when changing for treatment.

Mr Taylor reiterated the Moortown Neighbourhood Design Statement and the objections raised by Alex Sobel MP in relation to the need of bungalows in the Moortown area.

Mr Taylor informed the Members that the neighbouring bungalow even with a pitched roof impeded the sunshine onto his son's garden at certain times of the day and that the proposed construction would create over shadowing on his son's garden.

Mr Taylor informed the Panel that the planning officer's report at 3.2 was incorrect as it stated that the current building at 402 Street Lane was constructed of brick and white render but in fact the property was solely brick built. However the owners at 404 Street Lane had painted the front wall of the property white which in Mr Taylor's was out of keeping with the character of the area. Mr Taylor went on to quoteUDP Policy BD6 in relation to the construction materials of the original build saying that this proposal of construction in white render was contravening this policy.

Mr Taylor made a request to the Panel that if the application was granted that consideration be given to a condition so that at no time in the future a second storey could be added to the proposed single storey.

Mr Singh the applicant attended the meeting. He explained that he owned 402 and that his brother owned 404 Street Lane.

Mr Singh informed the Panel that he had worked with his architect and the planners to negotiate the current plan and although he said it was not ideal he had taken on the concerns raised and was willing to compromise and go with the proposed application.

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

- That planning conditions had been suggested in respect of investigating and remediating any land contamination in the interests of protecting the health of future occupiers of the house.
- That there would be some over shadowing as the sun changes position from east to west and the height of the sun in the sky at different times of the year. Members were informed that the extent of overshadowing was not so significant so as to justify the refusal of planning permission.

- That condition 6 of the submitted report related to the removal of PD rights for further extensions and insertion of windows and that future proposals would have to be subject of a planning application.
- That there was approximately 130 bungalows due north of the proposed site.
- That the Planning Department had not been privy to the operation of the chiropodist next door. However the distance from the proposed build to the neighbour's boundary would be 4.6 metres which was a generous distance and therefore would not significantly impact on the neighbouring property.

**RESOLVED** – That the North and East Plans Panel grant permission subject to the conditions set out in the submitted report.

**10 17/00009/FU - One block of 12 No. apartments at 21 Allerton Park, Chapel Allerton, LS7**

Member considered the report of the Chief Planning Officer on the application for the demolition of an existing house and the erection of a block of 12 flats at No. 21 Allerton Park, Chapel Allerton, Leeds, LS7 4ND.

The planning officer informed the Panel that concern had been expressed that due process had not been followed as the report for Plans Panel was published before the expiry of the neighbours publicity time had expired.

The Members noted that this was not uncommon, Members were aware the purpose of these oral updates was to ensure that additional representations were reported in full and to give opportunity that if those representations had an impact in the written recommendation that this too was altered orally for Panel's consideration. It was noted that the neighbour's time expired on 12<sup>th</sup> June 2017.

27 additional representations had been received since the publication of the report with one additional issue being raised as a result of this consultation which related to the noise and disturbance that would be caused during construction phase of the development. It was noted that if Members were mindful to agree the recommendation to approve an additional condition could be imposed to control the hours of construction and hours of delivery / removal of goods from the site during this period.

A copy of a letter from solicitors acting on behalf of the owners of 18 and 23 Allerton Park had been forwarded to the Council with a request that it be brought to Plans Panel's attention. The contents of the letter was drawing to the applicants attention that there are restrictive covenants on the land that is the subject of the planning application and that should they seek to implement any permission they might receive that the relevant parties would take legal action against them.

Members were informed that this issue should be noted but that it had no bearing on the planning merits of the case under consideration.

To clarify the matters in the report, the proposal had been assessed in respect of its impact on the character of the Chapel Allerton Conservation Area by both Conservation Officers and the case officer and the conclusion drawn was that the design, bulk, massing and the alteration to the residential nature of the proposal did not adversely impact on the Character of the Conservation Area. It was concluded that the proposal was compliant with Policy P11 of the Core Strategy.

Members had visited the site earlier the day and plans, drawings and photographs were shown at the meeting.

Members were informed of the following points of the application:

- That the current property was of a modest size within a large plot
- That the application proposes 12 flats with underground parking for residents, although there would still be a need for visitor parking.
- The proposed building would have some traditional features such as chimneys as per negotiation between the applicant and the planning officers.
- The proposed building would have elongated skylights rather than the previously proposed flat roof.
- The mature boundary treatments would remain so to provide privacy to residents and to neighbours

Mr Seal of 23 Allerton Park attended the meeting to inform the Panel of his objections to the application.

Mr Seal said that the report fails to address the objection and issues raised. He said that there had been 117 objections to the proposal with only 17 supporting the proposal.

Mr Seal informed the Panel that he had put in a planning application to increase his property by 4 feet however this application had been refused and now they were considering a three storey apartment block.

Mr Seal expressed his concerns in relation to the fact that windows would overlook both 18 and 23 Allerton Park and Gledhow Lane.

Mr Seal had concerns that the development would impact on the beautiful garden of the property and the conservation area.

Mr Seal explained that families were moving out of Chapel Allerton as they were unable to secure family property in the area due to the development of too many 2 bed flats being constructed for financial gain.

Rachael Martin the agent and Martin Cook the architect attended the meeting.

Ms Martin informed the Members of the following:

- The applicant had noted the comments of all parties and had made a number of changes to address the issues raised.
- Detailed discussions had taken place with planning officers and conservation officer to address issues raised and concerns of neighbours.
- That category C trees would be removed with the rest remaining.
- There had been no technical objections raised by Highways.
- That neighbour's concerns in relation to overlooking had been addressed.
- The flats would be self-contained units with kitchens.
- The applicant had been informed that there was a market need for 2 bed room flats in the area.

Cllr. Grahame requested that when discussing this type of application that it should be decided whether they are flats or apartments and refer to the one type not use both for the same application.

Members requested an additional condition be added in respect to reasonable hours of construction and deliveries to and removals from the site. Suggest hours were;

Monday to Friday – 8:00am – 6:00pm

Saturday -8:00am – 12:00 midday

No work to be undertaken on Sunday or Bank Holidays

Members noted that the management plan would include a condition to ensure that construction traffic would park only on the site.

Members discussed the demolition of bungalows in Leeds and were of the view that if they were demolished to make way for a new building it should be of good design and sustainable. It was considered that the proposal was of good design.

Members requested that the leylandii trees be removed.

**RESOLVED** – To grant permission subject to the conditions set out in the submitted report and with the addition of the following conditions:

- Hours of construction to be;
  - Monday – Friday 8:00am – 6:00pm
  - Saturday – 8:00am – 12:00 midday
  - No work to be carried out on Sunday or Bank Holidays
- Construction traffic to be parked on the site
- Leylandii trees to be removed

# **11      16/03692/OT - Outline application for residential development for up to 23 dwellings at Rudgate Park, Walton, Wetherby, LS23**

The report of the Chief Planning Officer set out an outline application (with all matters reserved) for a residential development for up to 23 dwellings at Rudgate Park, Walton, Wetherby, LS23 7EJ.

Members were informed that further comment from Thorp Arch Parish Council had been received clarifying their support is for the application on the basis that access was not created into the adjacent land, remainder of the Phase III SAP site, and that their support for this application should not be conflated with the proposed SAP site in its entirety.

Members were also informed that the S106 needed to include provision for a £30,342.32 commuted sum for 10 year maintenance of the Greenspace in the event LCC are happy to take this on, or a condition to require details of the maintenance of the Greenspace in the event Parks and Countryside are not happy or the applicant determines to go down that route.

The application was presented at Plans Panel at the request of Cllr. John Procter as the site is part of a wider site that will have implications for the locality.

Members were provided with the following information:

- 35% of dwellings would be affordable properties
- Open public space to the east of the dwellings
- A landscaped entrance into the development
- Category A tree would be retained
- The proposed site was previously the prison officers social club which has now been demolished
- The proposed dwellings would be 2 storeys
- 4 letters of objection had been received with issues raised in relation to drainage of the site and the impact on neighbouring Walton. Also raised concerns in relation to privacy and amenity space
- The Thorp Arch Parish Council has written in support and there comments were noted at the start of the item.
- 7.5 of the submitted report set out the issue of drainage and proposals to address the issues raised

The Panel heard from Mr Lawn of 2 Farm Close, Walton. Mr Lawn expressed his concerns in relation to the drainage issues already being experienced by residents in Walton and the development of another 23 properties would exacerbate the problems of a sewage system which cannot cope.

Mr Lawn informed the Panel of his personal circumstances and how his home had been flooded on numerous occasions with foul water. Mr Lawn said that he had started to raise the issue with Yorkshire Water in 2010. He went on to say that to maintain the sewage system it has to be flushed every two weeks and de-silted every six months, he also said that in addition to the cyclical maintenance the sewer collapses regularly and has to be repaired.



Mr Lawn said that numerous letters had been sent to Yorkshire Water and that Alec Shelbroke MP had taken up their case but as yet no resolution had been forthcoming.

Members were informed that a balancing pond had been put in as part of the development in which Mr Lawn lives with sewage from 7 seven properties going directly into the balancing pond. Members were concerned about the health and safety issues of the balancing pond.

The Panel thanked Mr Lawn for attending the meeting and for his detailed presentation.

Mr Walton the TEP Agent attended the meeting. Mr Walton informed the Panel that although he had empathy with Mr Lawn's situation the issues raised did not directly effect this application which was an outline application. He said that the detail of the development including drainage would be provided at the design stage.

Mr Walton said that the development would provide supply much needed affordable housing in the area with 8 of the 23 dwellings being affordable.

Members were informed that the Homes and Communities Agency owned the land on which the previous Prison Officers Social Club had stood.

Members requested that all issues in respect of drainage be resolved with Yorkshire Water before reserved matters stage.

The Chair suggested that the Panel should write to the Executive Member and Yorkshire Water to raise the concerns that they have in relation to the drainage issues of the area.

Members were of the view that the development was of good design and were happy that the development would also have the much needed affordable homes. However they would want to see all the issues resolved in relation to drainage before the application is seen at reserved matters.

Cllr. Hamilton put forward the suggestion to defer until Yorkshire Water could provide confirmation that they were addressing the drainage and sewer issues.

Head of Planning Services explained that when the application for the discharge of reserved matters is submitted detailed discussions between officers and the developers will take place concerning issues of drainage.

He went on to say that Yorkshire Water as the statutory body would have to resolve the issues which would also require the issues dealt with as part of a wider issue within Walton.

The Head of Planning Services said that letters from the Panel could be sent to Alec Shelbroke MP, Executive Member Richard Lewis and other appropriate bodies to express the concerns of the Panel.

Members were of the view that separate professional advice and investigation into the collapsed sewers was needed. The Chair also said that he would speak directly to the Dr. Cameron, Director of Public Health.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer as set out in the recommendations of the submitted report and to include the following;

- S106 required for a commuted sum or to be dealt with through a condition for the management of the green space
- For a children's park on the open public space to include play equipment
- Full and detailed report on drainage to be brought back to Panel
- Write to the appropriate bodies for drainage and public health

Under the provisions of the Council Procedure Rules 16.5 Councillor S Hamilton required it to be recorded that she abstained from voting on this item.

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

The next meeting of North and East Plans Panel will be 13<sup>th</sup> July 2017 at 1:30pm.