

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 16TH NOVEMBER, 2017**

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

Councillors B Cleasby, R Grahame,  
P Gruen, S Hamilton, M Harland, E Nash,  
P Wadsworth and G Wilkinson

### **SITE VISITS**

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

### **CHAIRS COMMENT**

The Chair welcomed everyone to the meeting and introductions were made by the Panel.

The Chair reminded Members that applications should be considered with an open mind in accordance with the Council's Constitution and protocol. He went on to say that Councillors once they cross the threshold into this room are no longer Elected Members of a particular party but members of North and East Plans Panel and that all of us including myself as Chair take that very seriously and approach things with an open mind and certainly no predestination on this Panel.

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

There were no appeals against refusal of documents.

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

There were no exempt documents.

#### **67 Late Items**

There were no formal late items. However there was supplementary information in relation to Item 7 - 17/00307/FU Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth. This had been circulated to all Members prior to the meeting.

#### **68 Declarations of Disclosable Pecuniary Interests**

No declarations of disclosable pecuniary interests were made. However Steve Butler, Head of Development Management explained that he would not take part during discussions relating to item 9 of the agenda – 17/00307/FU – Land off Ninelands Lane, Garforth as he lived nearby.

#### **69 Apologies for Absence**

Apologies for absence were received from Councillor Stuart McKenna and Councillor Kevin Ritchie.

Councillor Mary Harland was at the meeting as a substitute for Councillor McKenna and Councillor Peter Gruen was at the meeting as substitute for Councillor Ritchie.

**70 Minutes**

The minutes of the meeting held on 19<sup>th</sup> October 2017 were approved as a correct record.

**71 17/00307/FU - Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land Off Ninelands Lane Garforth, Leeds, LS25**

Further to minute 58 of the meeting held on 19<sup>th</sup> October 2017 the Chief Planning Officer submitting a report in respect of the demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth.

Further to minute 58 above the Head of Development Management left his seat and took no part in discussions on this item.

The application was previously deferred as the Panel had requested more information from Yorkshire Water in relation to the capacity of the drainage and sewage system and its ability to cope with the demands of the proposed development and for more information on flooding issues.

Yorkshire Water had supplied further information as requested which had been circulated to the Panel and published to the web site as supplementary information prior to the meeting.

It was noted that a resident of Hazel Mews had distributed his representation to Panel Members.

Cllr.S.McKenna who was unable to attend the meeting had written the following representation which was read out to the Plans Panel.  
“Members I’ve still concerns over the drainage and flooding issues, at the last plans meeting I mentioned numerous times about the flooding in Ninelands Lane and Garforth in general. I’m still not convinced the developer is addressing the problems over the drainage for the proposed 241 dwellings. Panel Members know the issues regarding flooding in Garforth and I believe at the moment this could add to the problems if not taken seriously. I don’t believe any new information has come forward to convince me that this should be passed, we need to be convinced totally this site won’t flood or add to more flooding.”

Plans, maps and photographs were shown throughout the presentation.

Members' attention was drawn to 1.3 of the submitted report which provided a table to show improvements in cumulative discharge rates, inclusive of both foul and surface water, during key events. It was also noted that the applicant had highlighted at 1.4 of the submitted report the benefits associated with the proposed drainage strategy.

The Panel were also shown diagrams on the proposed drainage system which would slowly release water into the drainage system.

The additional information provided by Yorkshire Water confirmed it's no objection response remained. Yorkshire Water had confirmed that the originally suggested conditions 19 and 20 as detailed in Appendix A of the submitted report had not altered.

Yorkshire Water had provided additional information on the following points:-

- Proposed foul water connection point;
- Network connections/infrastructure beyond the site;
- Existing network callouts/issues within the area;
- Future Yorkshire Water proposals.

Members were asked to note the two additional conditions related to drainage as follows:

- No. 25: Water saving devices within the proposed development, so as to reduce water usage down to 105 litres per person per day.
- No.26: Water butts (250 litres minimum per dwelling) to minimise use of mains water.

Members heard that the site as it is currently is some of the cause of the problems due to the amount of hardstanding which causes issues with water run-off. The new development will include garden areas which should slow the run off into the drainage system. The Members were advised that Yorkshire Water and Flood Risk Management were supportive of the development on this site.

The Chair reminded Members as part of their consideration the use of a Consultative Forum had been found helpful where there had been long term issues.

Cllr. Mark Dobson spoke at the meeting saying that he had expected more after the debate at the previous meeting. He was of the view that the report was not comprehensive from Yorkshire Water. He was also surprised that this application had come back so soon in the process. He said that he was under the impression that Yorkshire Water would have provided a more detailed report. He said that the suggestion that a new housing development would not produce as much effluent as was produced by the existing site was not acceptable.

Cllr. Dobson asked Members to take the information relating to the presence of cooking fat in the system 'with a pinch of salt' as there were no takeaway outlets in the area.

Cllr. Dobson mentioned the slides shown at the previous meeting of raw sewage and sanitary products floating down the road. He explained that this photograph had been taken during floods which had happened in August 2017. He said that he did not believe that the commercial premises of Stocks Blocks was part of the issue as it had been closed for almost six months when this had happened. Cllr. Dobson was of the opinion that the effluent was being produced by the houses within the area and the connector system used by Yorkshire Water.

In response to Panel Members Cllr. Dobson informed the Panel of the following points:-

- He accepts that the new system proposed would be an improvement to what exists. However he was of the view that there was not sufficient details provided by Yorkshire Water and he still did not know where the water would go to.
- He had been a councillor in Garforth for 10 years and in that time many solutions to the flood issues had been considered including the use of balancing tanks. The Garforth Flood Alleviation Group had been formed and they had done a lot of work such as:
  - Tank at Glebeland development
  - Culvert at Ninelands Lane
  - West Garforth slow release system
- The housing developments built in the sixties had not had drainage or sewage developed to address where the water and sewage would go.
- Historical records had been requested on numerous occasions but he was constantly told that the information had been lost.

Jonathan Dunbavin the agent and Gary Little the Engineering Manager of Redrow Homes were at the meeting and addressed the Members.

Mr Little in response to Members questions advised Members of his qualifications. He also provided more clarification on how the proposed drainage system would work in relation to the Stocks Blocks site. He said that the offer of two systems recognised the difficulties in this area for run-off water and foul water. He said that the proposed system would reduce the discharge from this site from 700 litres per second to around 100 litres per second.

Members were advised that surface water would not go into the foul water drain. Foul Water would go into a combined system further down to the South West of Garforth.

Members heard that a storage tank likened to the size of an Olympic swimming pool by officers would be sufficient attenuation for a 100 year storm and cope with climate change.

Officers advised Members that the developers were not responsible for flooding issues in the Garforth area but were responsible in ensuring that the problem was not made any worse by the proposals.

Mr Little explained that the use of a gravity feed was better than a pump as they did not break down as much required less maintenance and that it created a vortex within the stored water in the 'swimming pool' which slowly released the water into the drainage system.

An officer from the Council's Flood Risk Management team explained that with the new proposed system surface water run-off would not be able to feed into the foul drain only flushing toilets would feed into the foul drain.

Members were advised that a survey had been undertaken by Environmental Health but not detailed enough to list every manhole. It was noted that this would be part of the remit of Yorkshire Water.

The Panel requested that a letter be sent from the Chair outlining the concerns of the North and East Plans Panel on the wider concerns of flood issues in the Garforth area.

Members were provided with information on the housing types proposed for the development and shown some designs. Members were informed that there would be 1 block of flats and that 15% of the dwellings would be affordable housing which would be 'pepper potted' through the scheme. The Panel were also shown a map which indicated where the affordable houses would be located.

Members were advised of the different house types:-

- 24 different types to be provided
- Broad range of 1 bedroom to 4 bedroom properties
- There are to be no dwellings above 3 storeys
- 1 block of flats on the scheme

It was noted that materials are still to be finalised.

Members were concerned that a number of the affordable homes seemed to be located within one area of the scheme and requested that they be more evenly distributed throughout the development. Members also requested that the affordable houses should be no different to other properties on the development. In relation to the design of the affordable homes Members requested that they see the designs prior to approval of the application.

It was noted that the Hazel Mews was 21 metres from the proposed new properties which was an acceptable distance in planning terms. The ash pile located at this part of the site needs to be removed with a proposal for new planting in this area.

Steve Varley the LCC Design Officer informed Members that he was to discuss the house types proposed for this scheme. He said that Redrow have

generally have a good design pedigree and architectural background, however, some of the proposed designs need addressing.

In response to Members questions in relation to the building of bungalows in this scheme, Members were informed that a survey had indicated that there was not a demand for bungalows within this area.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer as set out at pages 19 and 20 of the submitted report and including the additional conditions set out at page 1 of the supplementary information with a slight amendment to Condition 26 to include reduction of surface water run-off.

Also to include:-

- Additional condition to establish a Consultative Forum;
- A letter from the Chair to Yorkshire Water; and
- To address the distribution of affordable housing

**72      17/02203/FU - Two storey rear extension to form new studio flat and additional ground floor space (sui generis) First Floor And Second Floor, 55 Austhorpe Road, Cross Gates, Leeds, LS15 8EQ**

The report of the Chief Planning Officer requested Members to consider an application for a two storey rear extension to form new studio flat and extension to ground floor loan shop (sui generis) at 55 Austhorpe Road, Leeds, LS15 8EQ.

The application had been brought to Plans Panel for determination as the proposal had generated some concern locally and Highways Officers had not supported the proposal.

Members were informed that the application related to the first and second floors of 55 Austhorpe Road, a detached red brick property with commercial premises to the ground floor and residential to the upper two floors. It was noted that first and second floors were located within the roof space.

Members heard that the property was located on the corner of Austhorpe Road and Church Lane with parking to two sides and access from both roads. The character of the area is both commercial and residential with flats above shops.

Maps photographs and diagrams were shown at the meeting.

Members were informed that the new extension was to be built in the same materials as the shop front. It was noted that the proposed flat complied with the space standards.

Members were informed that the location of the access point from the current parking area when leaving the car park was restricted. The proposal was for a new wider access point more centrally positioned onto Austhorpe Road. It was noted that a revised layout of the parking area had been submitted. The revised proposal would reduce the number of parking spaces from 14 to 10 with 6 of the spaces being reserved for the upper floor flats. Planning Officers were of the view that this was acceptable in planning terms.

Members heard that Highways officers did not support the proposals as they were of the view that the revised plan constituted an over-development of the site and that a reduction in off-street parking would not be in the interests of highways safety. It would also put additional pressure on parking in the town centre. Members were also informed that Highways Officers had concerns about the proposed new wider access point onto Austhorpe Road due to its proximity of the junction with Church Lane.

Members heard that comments had been received from Cllr. Peter Gruen and were read out at the meeting:-

1. "I have no objection to the principle as the Centre needs to remain vibrant, diverse and competitive, flexible and agile. This application is right at the edge, however as long as the new residential units are space and amenity compliant, I do not object;
2. Concerned the Highways comments have been brushed aside by planning colleagues. Objections are a relative rarity and should therefore be given considerable weight. 2 Issues – a deterioration in proper parking spaces and there usability –road safety issues at the access.  
It begs the question whether the site is being used too intensively at the expense of more and better parking spaces?  
The report alludes to the many traffic and pedestrian conflicts which take place along a hugely busy road, I believe more weight should be given to this.
3. I note a comment regarding undischarged conditions from previous application on this site. I hope Panel Members will take such a history into account, when deciding how enforceable conditions in this report are.  
In summary, I would hope that a further, detailed discussion with all involved, including myself, can take place to seek a viable way forward"

Cllr. Ron Grahame declared a non- pecuniary interest at this point as his wife is a Ward Councillor for Crossgates and Whinmoor. He said that he would take no further part in this item.

Mr Eamonn Judge assisted by Keith Furness attended the meeting and addressed the Panel highlighting the following points:-

- Parking issues were contrary to Highways advice
- Parking on pavements
- Attention drawn to 10.12 of the submitted report in relation to planning application for Wetherspoons which is currently at appeal
- No disabled parking proposed
- Parking spaces too near to property entrance
- Access point too close to a junction
- Waste management issues highlighted in relation to collection and bin sizes and distance of proposed bins to road
- No amenity space for residents

There were no questions from Members.

Tom Cook the agent attended the meeting. He responded to Members questions informing them of the following points:-

- The extension was a small increase to the ground floor;
- The bins would be serviced from Church Lane;
- Measurement was 16 metres from bin store to Church Lane;
- The proposal was for 1 additional flat, there would be no food waste only paper therefore there should be no difference to waste collections;
- Proposed parking bay 5 could be used as disabled parking as this wider;
- Currently there were 3 employee at the offices which may increase to 4 in the future.

Mr Cook said that he was open to suggestions from the Panel on parking resolutions.

The Panel debated the layout of the parking bays, the access to the parking area and the general area in relation to roads, and transport links. The Panel heard from both Planning and Highways officers about differences in criteria and guidance in relation to this application.

Cllr. Peter Gruen offered a meeting with all the Ward Members and interested parties to try and resolve this issue.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted report, with consultation with Ward Members.



**73      17/04886/FU - Replacement dwelling with garage and associated landscaping 5 Wensley Drive, Chapel Allerton, Leeds, LS7 3QP**

The report of the Chief Planning Officer set out an application for a replacement dwelling with garage and associated landscaping at 5 Wensley Drive, Chapel Allerton Leeds LS7 3QP.

The Panel had visited the site earlier in the day. Members were made aware that the objector at number 7 Wensley Drive had written to request that the application was heard at the Plans Panel, as the objector would not be able to attend the Panel meeting to voice her concerns.

The objector had raised a number of concerns with regards to the scheme, these were similar to those that had been highlighted within the submitted report. In addition to those concerns the objector states that the Panel report did not adequately address the concerns that were originally raised.

Members' attention was drawn to 10.9 of the submitted report noting that the distance between numbers 7 and 5 was 5 metres which was considered as acceptable in planning terms. It was also noted that the difference in ground levels with number 7 being set higher than the application would not have a negative impact upon the internal living conditions of number 7 by way of over-shadowing or dominance. Members heard that there may be some impact on the patio area of number 7 however, the impact of light to this area differs throughout the year and the view changes. It was noted that there is no inherent right to view and this would be insufficient impact to refuse the application.

Members heard that there was 3.8 metres beyond the wall at 2 story level and 2 metres at single storey level. It was the officers' view that the plans had been misinterpreted that an area of decking had been thought to be part of the building.

It was noted that the proposed build would not impact on the trees on the site.

Members were advised of additional conditions of obscure glazing to side window and of removal of permitted development rights for extension and outbuildings.

Members heard that concerns had been raised that the building was more designed as a House in Multiple Occupation (HMO). It was noted the Panel could not take into consideration on future build.

Cllr Wilkinson was disappointed that a bungalow was to be demolished and requested that it be checked that the obscure glazed window would not be able to open.

**RESOLVED** - To grant permission as set out in the submitted report with the following additional conditions:-

1. Obscure glaze side window
2. Removal of permitted development rights for extension and outbuildings.

**74     17/03445/FU - Change of use of house (use class C3) to a house in multiple occupation (use class C4), 20 Reginald Mount, Leeds, LS7 3HN**

The report of the Chief Planning Officer set out an application for change of use of house (use class C3) to a house in multiple occupation (use class C4) at 20 Reginald Mount, Leeds, LS7 3HN.

This application was presented to Plan Panel at the request of Ward Councillors Jane Dowson, Mohammed Rafique and Eileen Taylor who had raised concerns on high concentration of HMOs, parking and that HMOs could undermine the balance and health of communities.

Members had visited the site earlier in the day, maps, plans and photographs were shown at the meeting including a map of known HMOs in the area.

It was noted that there was a number of HMOs in the area but it was less than 3%.

Members noted that the property was of traditional Victorian terrace house which looked small but projected out towards the rear. The proposed layout was similar to that already used as the current house.

**75     17/04161/FU - Two storey detached outbuilding to rear 2A Allerton Park, Chapel Allerton, Leeds, LS7 4ND**

The report of the Chief Planning Officer requested consideration on an application for a two storey detached outbuilding to the rear of 2A Allerton Park, Chapel Allerton, Leeds LS7 4ND.

Panel Members had visited the site earlier in the day. Plans and photographs were shown throughout the presentation.

Members were informed that the application site was a subdivision of a larger site of number 2 Allerton Park.

Members heard that the applicant was looking to build a summer house to the rear of the property which would be reached by a decked walkway from the main house.

Concerns had been raised that the new building may be used as a separate property for residential use. Members were reminded that should this be so at a future date this would be subject to a further planning application.

Concerns had also been raised in relation to the impact on trees and the modern design of the building. Members were advised that there would be minimal construction and a condition was specified for tree protection, replacement and landscaping. It was noted that although the building design was not conventional it would not be visible to public view.

Members were informed that the building proposed a mezzanine floor and this was to be conditioned to prevent the mezzanine floor coming to the end of the building.

Members were made aware of an objection received from the occupants of 18a Allerton Park which is located to the rear of the site. Their concerns related to:

- The panel report failing to make reference to the distance the outbuilding would be located from 18a Allerton Park.
- The rear elevation window directly overlooks number 18a. The panel report suggests the trees which are present near the boundary would screen views out from the window. The objector highlights that trees cannot be used for this reason as they have a limited life span and loose leaves in winter.
- Number 18a is significantly lower ground to the garden level of 2a and 2 Allerton Park. Therefore the proposed structure would appear as a 3 storey in height.

Members were advised the measurements had been checked and were 10 metres from the boundary and 19 metres from the property itself. Trees used as screening are tied in the distance, it was the officers' view that impact would be minimal.

Mr Bull, occupant of 2 Allerton Park, attended the meeting and explained to the Panel that in his opinion there were inaccuracies in the drawings relating to the boundary with his garage and 2 silver birch trees instead of 3 shown and the structure is shown in various positions on various plans.

Mr Bull said that he had spoken with Cllr. Rafique on 4th November and he had said that the proposed building was too big and overbearing.

Mr Bull said that Conservation officers had raised concerns.

Mr Bull informed Members that there had been 14 local objections with none in support of the application.

Mr Bull said that he had 3 main areas of objection; they were:-

- Visual intrusion
- Overlooking
- Use

He went on to say that a 2 storey garden house would be a visual intrusion at 6.5 metres high, due to the difference in ground levels he said that the building would loom between 8 and 9.5 metres above his property. The roof

height he said was 1 metre lower than the apex of his roof and exceeded the height of his eaves by 3 metres. Mr Bull said that it would be 8.5 metres away at its nearest point.

Mr Bull said that the building would look discordant with its surrounding due to its size, the materials to be used and its dissimilarity to neighbouring properties.

Mr Bull informed the Panel that a window on the mezzanine would directly overlook his garden. A window on the south side directly over looks a balcony to his bedroom.

Mr Bull raised his concerns in the use of the proposed building as being for commercial use to rent out, office space, B&B, or for applicant whilst he rents out his current property.

Mr Bull suggested some conditions to be considered should the Panel decide to grant the application.

When asked if a smaller structure would be acceptable Mr Bull replied that something further away from his boundary towards the flats would be more acceptable. Principle concern is height and closeness to his boundary. He spoke about the current boundary being open and was of the view that screen and fencing structures would be erected in future.

Mr Lyons the applicant was at the meeting and informed the Panel that his motivation for the proposed building was his current property is a 3 bedroom house and he would like to invite friends and family to visit he did not intend to use it for commercial use.

Mr Lyons explained that a number of positions within his garden had been considered. However the tree officer was particular about its position to preserve the tree roots.

Mr Lyons informed Members that there was a window on the south, south east of the property but it was 9 metres away from Mr Bull's property.

Mr Lyons said that he was happy with the conditions set out in the report but was of the opinion that conditions should not be attached to withdraw any of the windows.

Clarification was provided to Members that conditions within the submitted report already addressed three of the conditions proposed by Mr Bull

Members noted that moving the structure towards the trees would damage the roots.

**RESOLVED** -To grant permission as set out in the submitted report.

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

To note the next meeting of the North and East Plans Panel will be on Thursday 21<sup>st</sup> December 2017 at 1:30pm