

## NORTH AND EAST PLANS PANEL

THURSDAY, 7TH JUNE, 2018

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

Councillors S Arif, D Collins, M Dobson,  
D Jenkins, E Nash, K Ritchie, S Seary,  
A Wenham and G Wilkinson

### SITE VISITS

The site visits were attended by Councillors Walshaw, Jenkins, Nash, Ritchie, Collins, Seary, 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 were no exempt items.

#### **3 Late Items**

There were no late items.

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

There were no declarations of disclosable pecuniary interests.

However, Cllr. Dobson did declare an interest in Item 11 – 18/01519/FU Two storey rear extension 43 New Sturton Lane, Garforth, Leeds, LS25 2NW. Cllr. Dobson informed the Panel that he would be removing himself from the Panel for this item as he was speaking on behalf of the objectors. Minute 11 refers.

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

No apologies of absence had been received.

#### **6 Minutes - 26th April 2018**

The minutes of the meeting held on 26<sup>th</sup> April 2018 were approved as a correct record.

#### **7 16/05185/FU - APPEAL SUMMARY CHANGE OF USE OF 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 39 AUSTHORPE ROAD CROSS GATES LEEDS LS15 8BA**

The report of the Chief Planning Officer informed Members of the outcome of an appeal by JD Weatherspoon Plc against Leeds City Council's failure to

determine a planning application for change of use of 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, 39 Austhorpe Road, Leeds, LS15 8BA.

Members heard that the appeal had been allowed and an application for full costs against the Council had also been successful.

Members were advised that learning had been taken from this application and would be disseminated to officers.

Plans Panel Members also noted the Inspector's comments and were of the opinion that contentious applications should be brought to Plans Panel sooner.

**RESOLVED** – To note the appeal and costs decisions.

**8 18/01447/FU TWO DETACHED HOUSES LAND OPPOSITE 6 TO 10 CHURCH DRIVE EAST KESWICK LEEDS**

The report of the Chief Planning Officer set out an application for full planning permission for the erection of two detached houses each with a detached single garage, landscaping and provision of new footway across the site frontage on land between 11 and 37 Church Drive, East Keswick, LS17 9EP.

It was noted that the proposal was for the properties to be constructed of stone and slate with front projecting gables, window head and sill details and chimneys.

Members had visited the site earlier in the day, photographs and plans were shown throughout the presentation.

Members were informed of the following:

- A number of planning applications had been submitted for this site.
- This submission followed the recent dismissal of an appeal for a scheme for 3 houses at this site. The appeal for non-determination was dismissed on 23<sup>rd</sup> January 2018.
- A previous appeal also for non-determination had also been dismissed on 27<sup>th</sup> February 2017. The Inspector had dismissed the appeal on the basis that the narrow gaps between the proposed 3 dwellings and the relatively shallow spaces between the back edge of the highway and the front of the dwellings would give the appearance of being cramped and would result in the lack of spaciousness that characterises the locality. It was also noted that the Inspector had raised concerns with regards to the proximity of the dwelling to the ground floor windows of the flats to the south and would raise issues of over-dominance.
- This proposal for two dwellings tried to address the issues raised by the Inspector, providing larger gaps between the two proposed dwellings and larger gaps between the neighbouring properties. The

minimum requirement between was 12 metres and the proposal was for 17 metres.

- An assessment had been undertaken to look at overshadowing and it was noted that there would be slight overshadowing in a westerly direction.
- Additional planning history omitted from report in relation to:
  - 17/00877/UOPS2 – Erection of fence: case closed
  - 17/01003/US3 – Unauthorised banner signs: case closed

Mr Fowler and resident of Church Drive and Mr Lord of the Parish Council attended the meeting and addressed the Panel informing them of the following points:

- The development was too large for the area
- It would be preferable for 2 single storey dwellings
- Concerns for the boundary and the fact that the developer had erected a fence and posters without permission
- The proposed dwellings would not have a sufficient back garden/yard
- Street parking issues
- That garages were out of character and would not be used for cars
- Turning movement in that area would be limited
- A development that provided smaller units would be more acceptable

The agent Mr Watts addressed the Panel saying that the development had been designed to be in keeping with the local area, detached garages were not an exception with many houses having detached garages.

Mr Watts was of the view that a block of flats at the development site would be more dominant and cause overshadowing. He also noted that neither of the speakers were residents of the nearby flats. Mr Watts was of the opinion that there was sufficient on street parking and that the proposed driveways could hold 2 cars.

Mr Watts said that the developer had addressed the 2 outstanding matters they being the size of the gaps between the properties and the impact on the amenity of the flats to the south. It was noted that the proposal was now in accordance of the council's design guidance.

In response to Members questions and comments the follow was noted:

- The garages could be brought forward to increase the size of the rear gardens
- Planning breaches had been the mistake of the original architect which as soon as realised had been rectified
- The developer had tried to consult with the Parish Council inviting comments and discussion without success.
- There had been the required 21 day consultation period for comments to be gathered for the report.
- There had been an error in the report and it should be noted that the Neighbourhood Plan had been given weight in relation to this application.

- Boundaries could be changed to provide plots of equal size.

At the conclusion of the discussions Members agreed to change the officer's recommendations to defer and delegate the permission once changes had been made in relation repositioning of garages to create larger rear gardens.

**RESOLVED** – To defer and delegated to the Chief Planning Officer pending further negotiations and the receipt of revised plans showing the repositioning of the garages to maximise garden space.

Under the provisions of Council Procedure Rule 16.5, Councillor Jenkins required it to be recorded that he abstained against the decision to grant the permissions as resolved by the Panel

**9 17/06469/FU CHANGE OF USE OF FORMER RESIDENTIAL CARE HOME TO FORM 12 BED HOUSE IN MULTIPLE OCCUPATION MOUNT CARMEL 88 CHURCH LANE CROSS GATES LEEDS LS15 8JE**

The report of the Chief Planning Officer advised Members of a change of use of former residential care home to form a 12 bed house in multiple occupation at 88 Church Lane, Crossgates, Leeds, LS15.

It was noted that the plan provided at page 60 of the agenda was the original submission for 16 beds not revised scheme. Also the red line boundary had been amended to reflect correct ownership.

Clarification was also provided that there was 15 occupants in the property currently, all on rolling month by month contracts. Members were also advised that this had been a HMO since 2016, and that enforcement action was being held in abeyance pending the outcome of the determination of this application. In light of this it was considered appropriate to reduce the time limit for the implementation of the permission to 6 months.

Members had visited the site earlier in the day with photographs and plans shown throughout the presentation.

Members were informed of the following points:

- The property was adjacent to a primary school;
- The conservatory and an outbuilding to the rear were to be removed;
- Care use for the property had gone and another use had to be sought for the property;
- 6 parking spaces to be provided;
- A noise assessment had been undertaken by Environment Officers and an acoustic barrier in the form of a timber panel fence and additional planting were proposed for screening and noise containment purposes;

- The original plan had proposed 16 rooms this had now been reduced to 12 rooms this would allow more amenity / lounge areas on each of the floors;
- All bedrooms were to be en-suite, although separate bathrooms were proposed;
- Secure cycle parking was proposed to the lower ground floor for residents;
- A new refuse store with keypad for convenience of residents and waste disposal operatives.

The Panel was also informed of the following condition changes and additions:

- Standard time limit for implementation changed to 6 months
- Implementation of access alterations
- Management condition
- Details of boundary treatment to be submitted and agreed – the plan showed a retaining wall was to be moved

Mr Judge attended the meeting to speak against the recommendations. Mr Judge informed the meeting that the HMO was positioned close to a school and that the rear boundary backed onto an area used by the children for activities and lunch breaks.

Mr Judge said that parking was an issue in the area and he was of the view that parking spaces provided would not be sufficient or used by the residents. Mr Judge was of the opinion that there was no such thing as a sound proof fence and, that the people who would live in the HMO would have a different lifestyle pattern to those who already lived in the area. He was of the view that this would cause a disturbance to the neighbouring residents.

Mr Judge highlighted the concerns raised by Cllr. Pauleen Grahame in relation to the impact on road users and highway safety regarding the number of cars parked outside Mount Carmel on the road. It was also noted at night time there were often groups outside the building.

The agent Andrew Windress addressed the Panel providing a background on the applicant who had inherited the care home from his parents. It was noted that this was his only source of income and that he currently lived at the property providing the day to day management and maintenance. He also had another property close by.

Mr Windress informed the Panel that the ages living at the HMO ranged from 22 to 67 years old. Mr Windress highlighted the need for HMO's providing housing for those who were unable to affordable a different tenure.

The location of the HMO had not been raised as an issue by the Inspector and it was noted that the Inspector was happy with the ratio of occupants to parking spaces which the Council had adopted. Members were also informed

that the parking spaces were oversized to allow cars to drive out onto Church Lane rather than reverse into the main highway.

The boundary with the school was deep and should mitigate any concerns.

Members briefly discussed the points raised and the conditions to be imposed on the application.

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

- Standard time for implementation reduced from 3 years to 6 months
- Implementation of access alterations including dropped kerbs
- Management condition to include the bin storage, amenity areas and the future maintenance of the acoustic fence
- Boundary treatment to be submitted and agreed (including details of the re-siting of a section of retaining wall)
- Assess parking arrangements to condition additional spaces if required
- Additional condition for Electric Vehicle Charging Point (EVCP)

**10 17/07114/RM RESERVED MATTERS APPLICATION FOR CONSTRUCTION OF 18 FLATS AND ASSOCIATED CAR PARKING FORMER SITE OF STANKS FIRE STATION SHERBURN ROAD SWARCLIFFE LEEDS LS14 5DW**

The report of the Chief Planning Officer advised Members of a reserved matters application for the construction of 18 flats and associated car parking at the former Stanks Fire Station, Sherburn Road, Swarcliffe, Leeds LS14.

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

It was noted that a previous application for the construction of 13 houses had been refused on the grounds relating to the overdevelopment of the site; adverse impact of design, car parking arrangements, protected trees. The appeal was dismissed by the Inspector on the basis that the proposal was likely to increase opportunities for crime and anti-social behaviour and would have an unacceptable effect on the character and appearance of the area where the landscape was concerned.

Members were informed of the following points:

- All the trees on the site currently have TPOs on them although it is recognised that some trees may have to be removed;
- The bus stop will remain as it would not impinge on sightlines from the proposed access;
- Additional conditions to include:
  - Closing up of redundant access
  - Maintenance details for access road as it is to remain un-adopted
- Existing access is to be used;
- The application was for 18 flats of 1, 2 and 3 bedrooms;

- The flats were within the guidelines of the National Space Standards;
- 28 unallocated car parking spaces including 2 disabled bays;
- Communal bins and cycle store; and
- Proposal for 3 affordable units.

The recommendation to defer and delegate would be subject to Section 106 agreement.

Members briefly discussed the application highlighting the need for disabled access, provision for more or larger bin store, use of solar panels and sustainability of the development and the size of the proposed units.

Members were advised that Condition 3 related to sustainability requirements would include Photovoltaic Panels including these to serve the affordable units.

**RESOLVED-** To defer and delegate to the Chief Planning Officer as set out in the submitted report and to include the following additional conditions and an amendment to Condition 3:

- Closing up of redundant access;
- Maintenance details for access road as road is to be un-adopted;
- Condition 3 sustainability requirements to include use of Photovoltaic Panels including affordable units also to include Electric Vehicle Charging Point (EVCP)

**11 18/01519/FU TWO STOREY REAR EXTENSION 43 NEW STURTON LANE GARFORTH LEEDS LS25 2NW**

Before the commencement of Item 11 Cllr. Dobson removed himself from the Panel so that he could speak on behalf of the objectors as referred to in minute 4.

The report of the Chief Planning Officer set out the proposal for a two storey extension at 43, New Sturton Lane, Garforth, LS25 2NW.

Members had attended a site visit and were shown photographs and plans throughout the presentation.

Members heard that the application involved the removal of the existing conservatory and the construction of a two storey rear extension. This would build partly over the existing single storey rear extension and will stretch the full width of the rear elevation with a hipped roof. One new rear window was proposed and two new first floor windows. It would be set 1m away from the common boundary with no. 6 Braemar Drive. It was proposed that a side window to the extension would be obscure glazed.

It was noted that the houses in the immediate vicinity had staggered siting and many of the properties in the locality had been extended in some form.

It was also noted that at the request of officers the roof extension had been hipped to lessen the massing of the extension.

Members were informed that a number of representations had be made by the neighbours of 6 Braemar Drive whose property lies to the north raising concerns about overshadowing and loss of light to a side porch, and garden, their comments were maintained despite the revision to the scheme.

Cllr. Dobson spoke at the Plans Panel on behalf of Mr and Mrs Peverell of 6 Breamar Drive. Cllr. Dobson informed the Panel that the extension would impact on Mr and Mrs Peverell due to loss of light in their kitchen/dining area. He explained that although it was a large part of the living space it was a significantly gloomy area.

Cllr. Dobson said that the extension was an increase to the property of 50% and would over dominate and cause loss of light from about 2pm. Cllr. Dobson was of the opinion that 40 years ago when the properties were built they had been staggered to allow for more natural light to flow into the properties and that this should have significant weight to the objections raised.

Mrs Driver the applicant attended the Panel and addressed the Panel explaining that the extension was not a 50% increase to the upper floor. She also said that many houses in the area had been extended and it would be in keeping with the character of the area.

Mrs Driver said that the porch to the side of the neighbouring property was a secondary source of light as the neighbouring property did have a window to the rear.

Mrs Driver was of the view that due to the original staggering of the property there would be limit direct overshadowing and reasonable over dominance.

Group Manager Area Planning, David Newbury said that the scheme was policy compliant. He went on to explain, although there would be an impact on the light to the neighbouring property he clarified that the planning perspective viewed the main source of light to be from the rear window.

Members briefly discussed the overshadowing issue and although they were sympathetic to the issues raised by the neighbours they noted that the scheme was policy compliant.

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

## 12 Date and Time of Next Meeting

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th July, 2018



The next meeting of the North and East Plans Panel to be held on Thursday  
5<sup>th</sup> July 2018 at 1:30pm.

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th July, 2018