

NORTH AND EAST PLANS PANEL

THURSDAY, 19TH OCTOBER, 2017

PRESENT: Councillor N Walshaw in the Chair

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

SITE VISITS

The Panel site visits were undertaken on the morning of the Panel and were attended by Councillors Walshaw, Anderson, R Grahame, Hamilton, Stuart McKenna, Nash, Ritchie and Wilkinson.

50 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

51 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

52 Late Items

There were no late items.

53 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest. However Steve Butler, Head of Development Management explained that he would not be take part during discussions relating to item 9 of the agenda – 17/00307/FU – Land off Ninelands Lane, Garforth as he lived nearby. Minute 58 refers.

54 Apologies for Absence

Apologies for absence were received from Cllr. John Procter. Cllr. Barry Anderson attended the meeting as a substitute.

55 Minutes of the Previous Meeting

RESOLVED – Minutes of the meeting held on 14th September 2017 were approved as a correct record subject to the following amendment:

That it be noted under the provisions of Council Procedure Rules 16.5 that Councillor R Grahame abstained to vote on Minute 42 Matters arising in

relation to 16/05185/FU 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 at 39 Austhorpe Road, Crossgates.

56 APPLICATION No. 16/05185/FU - suggested reasons to contest an appeal against non-determination in respect of an application for the change of use of ground floor from doctors surgery/pharmacy to Public Bar (A4), two storey rear extension; rear beer garden area, external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, 39 Austhorpe Road, Leeds LS15 8BA

The report of the Chief Planning Officer requested Members to consider the suggested reasons to contest the appeal submitted by Wetherspoons. The submitted appeal was for the non-determination of the application 16/05185/FU change of use of ground floor from doctors surgery/pharmacy to public bar (A4), two storey rear extension; rear beer garden area external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, at 39 Austhorpe Road, Leeds, LS15 8BA.

Members resolved to contest the appeal at the Plans Panel meeting of 14th September for the following reasons:

- Harm to residential amenity including the opening hours of the beer garden and the public house;
- Servicing arrangements would be harmful to highway and pedestrian safety

Reasons to contest the appeal had been set out at points 1 and 2 of the submitted report. It was noted at the meeting that point 2 should read as follows with reference to North Road deleted:

The Local Planning Authority considers the proposed loading and unloading arrangements for the site which seek to route movements from Austhorpe Road would cause pedestrian and vehicle conflict. Austhorpe Road is a busy and congested stretch of the highway network and the unloading point is in close proximity to a well-used bus shelter and junction of Church Lane. As a result of a combination of these factors the proposed development would be detrimental to highway safety and is contrary to Policy T2 of the Core Strategy, saved UDP Review policy GP5 and the general highway guidance as contained within the National Planning Policy Framework.

RESOLVED – To note the report and to agree the suggested reasons to contest the appeal set out in the submitted report.

Under the provisions of Council Procedure Rules 16.5 Councillors R Grahame, S Hamilton and E Nash required it to be recorded that they had abstained to vote on the decision.

57 APPLICATION No. 17/05065/FU - Retention of brick substation housing at Spofforth Hill, Wetherby.

The report of the Chief Planning Officer seeks retrospective planning permission for the retention of an electricity substation which serves the approved housing development at Spofforth Hill, Wetherby. The application was report to Plans Panel at the request Ward Councillor John Procter, following Panel consideration of the pelican crossing at the 17th August 2017 meeting. At the meeting it was resolved to reaffirm the importance the Panel places upon the community Liaison Forums (CLF's) established under planning permissions for large residential developments. Minute 32 refers.

This application was for the retention of a single storey electricity substation which is square in footprint and with a hipped roof. Members noted that the building was constructed of Crest Old Saxon Blend brick and roofed in Sandtoft double pantiles with louvered access doors to the front elevation which matches the rest of the development.

The Panel was informed that the substation was located within a recently approved development of over 300 houses. Members heard that the substation was sited to the south side of the approved main boulevard between approved plots 49 and 50 to the rear of these properties fronting Spofforth Hill, and more specifically, to the rear of the dwelling No 64 Spofforth Hill named Hillcrest.

Members were advised of the recent planning history set out at paragraph 4 of the submitted report. Members heard that the retrospective application follows refusal of earlier application reference 17/9/00183/MOD. It was noted that the refusal was not based on the planning merits of the proposal simply that it did not fall within the scope of the Council's guidance on what matters were capable of being considered a non-material amendment. Following the issue of the refusal notice the applicant was now seeking retrospective planning permission in order to regularise the building's unauthorised status.

Members were advised that only one letter of objection had been received from a neighbour on the opposite side of Spofforth Hill. Members heard that there were no material planning objections to the substation, the objection was to the retrospective nature of the application and expressed concerns that conditions of the reserved matters approval were being breached.

It was also noted by Members that the Wetherby Town Council had not raised any objections.

Mr Owen attended the Plans Panel and informed the Panel that the building of the substation was a contravention of the law. Mr Owen went on to say that Bellway Homes had breached a number of conditions including:

- Delivery times;
- Start time of work on site; and
- Allowing people to live in finished properties whilst work was still ongoing

David Newbury, Group Manager, Planning Services explained that Bellway had applied for a non-material amendment. He went on to explain what a non-material amendment was and the planning process.

Steve Butler, Head of Development Management informed the Panel that Bellway Homes had been spoken to and had letters sent to them about this issue.

Sarah Carr of Bellway Homes apologised for the retrospective application explaining that it had been a genuine error which had only been noticed when in discussions with the electricity company. Ms Carr informed the Panel that Bellway had learnt from this error and would in future provide an indication of where the sub-station would be located.

Ms Carr advised the Panel the ongoing debate about the pelican crossing had now been resolved. She said that the Consultation Forum had been found to be useful.

RESOLVED – To grant permission subject to the specified conditions.

58 APPLICATION No.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. Leeds 25

Steve Butler , Head of Development Planning moved away from the meeting during this item. Minute 53 refers

The report of the Chief Planning Officer requested the consideration of the Panel on an application for the demolition of existing building, development of 241 dwellings and provision of open space, landscaping and drainage works at the former Stocks Blocks site, off Ninelands Lane, Garforth.

The application was brought to Plans Panel at the request of Ward Councillors M Dobson and S Field who had raised objections regarding the development's impact on existing flooding problems, traffic congestion and that local schools were already at capacity.

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

Members were advised of 4 vehicle access points 3 direct from Ninelands Lane and 1 from Green Lane. It was noted the access from Green Lane would only serve a small number of houses / flats with no vehicular access provided to the remainder of the site. It was noted that this area backs onto Hazel Mews a recent development, officers were satisfied that the proposed development was an acceptable distance away from the properties on Hazel Mews.

The Panel heard that a central greenspace would have surface water storage tanks below. The second area of greenspace was shown to the south of the site and would comprise of trees and vegetation. Both areas would have footpaths and cycle ways running through them. Members were advised that in relation to condition 21 set out in the submitted report the potential need to move the requirement relating to off-site footpath improvements into S106. Officers were to investigate further and would pursue the best option.

Members noted that existing poplars along the eastern boundary would be retrained with many of the site's trees now a subject of a new Tree Preservation Order (TPO)

Members were informed that objections from 282 local residents / interested parties including Garforth Flood Group and the Local Labour Branch had been received. The issues raised were set out at point 6.3 of the submitted report. It was also noted that 4 letters of support had been received with the main points set out at point 6.4 of the submitted report. Members were also advised that a further 8 objections had been received restating the same concerns and drawing attention to the option of linking the 3 Aberford Road junctions by signals not being pursued, that speed cushions don't work and an Average Speed Control Enforcement was needed.

It was noted that Ninelands Lane was a connector route for the area and that proposals had been made to alleviate highway issues with:

- Traffic calming measures;
- Additional Zebra Crossing;
- Additional bus stops and shelter;
- Improvements to Selby Road junction; and
- Improvements to Lidgett Lane.

The Panel heard that the development comprised of a mix of detached, semi-detached and short terraces all fronting the streets with rear gardens backing onto other rear gardens. Members were informed that the units would be of traditional design and that there would be no distinction between affordable and non-affordable. It was noted that 36 units were identified as affordable units with:-

- 14 x2 bed houses;
- 13 x 3 bed houses;
- 3 x 1 bed flats
- 6 x 2 bed flats

Members were advised that drainage issues including surface water had been covered in the submitted report.

Members were provided with an update on the CIL contribution which was confirmed as £898,475.51 assuming full social housing relief was applied for, otherwise the contribution would be £995,699.54.

Ward Councillor Mark Dobson, Michael Shaw - Resident of Hazel Mews, and Jacqueline Simpson of Garforth Flood Group were at the meeting and informed the Panel of their concerns which included:

- Flooding in Garforth has been on going issue, this development would increase the issue;
- Capacity of the schools in Garforth at both primary and secondary level;
- Sewage problems within Garforth already unable to cope with raw sewage running along roads during heavy rainfall;
- The trees and vegetation at the north end of the proposed site provide a good green space for local residents;
- Traffic congestion along Ninelands Lane.

Members heard that consultation had taken place in relation to the new development however, no assurance had been given on how the issue of flooding and specifically that of sewage would be addressed.

Ms Simpson explained to Members that Garforth was made up of a clay base and therefore balancing ponds would not address the issue of green-field run-off, Garforth needed water tanks or new pipework similar to the work undertaken in Rothwell.

Jonathan Dunbavin the agent and two colleagues Mr Morley and Mr Phillips were present at the meeting to answer questions from the Panel.

Members were informed that the trees and vegetation to the rear of Hazel Mews needed to be removed due to fly ash contamination. Mr Dunbavin said that there would be a landscaped buffer between Hazel Mews and the development which would be made up of trees and vegetation.

Members heard that the development would provide opportunity to make improvements to green-field run-off therefore reducing the risk of flooding. Members were provided with figures in relation to estimated foul flows from the new development. The Panel also heard that Yorkshire Water had given permission to connect to the sewage system. It was noted that CCTV surveys had been undertaken at the site and that no blockages had been found.

Members were informed of that traffic movements would be reduced due to the reduction of deliveries which had taken place at the Stocks Blocks site.

Members were informed that an in depth assessment of the traffic issues had been undertaken with Council Officers and had been verified as correct.

Officers from Flood Risk Management and Children's Services were at the meeting for this item to answer questions from the Panel.

Members discussed at length the following points:

- Green-field run-off;
- Drainage and sewage issues in Garforth and the impact of a new development
- Capacity of schools in the area
- Traffic improvements in the area of Ninelands Lane

Members could see the positives of the development including:

- Use of a brownfield site
- Design of dwellings was traditional
- Reasonable mix of housing types
- Affordable housing 'pepper-potted' around site
- Green space and signed cycle route

RESOLVED – To defer for more information to be gathered 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.

59 APPLICATION No. 17/04543/FU - Change of use from single dwelling house (C3) to small HMO (C4) at 21 Nickleby Road, Burmantofts, Leeds, LS9 7QX

The report of the chief Planning Officer requested Members consideration on an application for change of use from a single dwelling house (C3) to a small House in Multiple Occupation (HMO) - (C4) at 21 Nickleby Road, Burmantofts, Leeds, LS9 7QX.

It was noted that the application was presented at Plans Panel at the request of Ward Councillor Asghar Khan who had cited a range of concerns and impacts arising from the proposed HMO use which were summarised under point 6.2 of the submitted report.

Members had attended a visit earlier in the day, plans and photographs were shown throughout the presentation.

Members were advised that planning permission was required as the property falls within the Council's Article 4 Direction area which controls changes from the C3 planning use to the C4 planning use class.

The Panel was informed that 21 Nickleby Road was a 3 bed, red brick mid-terrace house, situated in the Burmantofts and Richmond Hill ward. The Panel was also informed that the local area was not recognised to have a high concentration of HMO's and council records indicated that two other HMO's existed nearby with one at the end of Nickleby Road and the other along Walford Mount.

The Panel was advised that 9 letters of objection had been received and the concerns raised were set out at point 6.3 of the submitted report. The Panel noted that a petition containing 80 signatures from 62 individual households had also been received and the reasons cited for refusal of planning permission were set out at point 6.4 of the submitted report. The Panel also noted that 1 letter support had been received.

Mr Allen attended the Panel on behalf of his mother the resident at 23 Nickleby Road.

At the start of his representation to the Panel Mr Allen expressed his opinion that having heard the officer's presentation that the Panel had already made its decision and questioned why he was there. The Chair explained that was simply a presentation by an officer and that the decision rested with the Panel Members and that the process was fair and the Panel listened to all the evidence put before them before making a decision.

Mr Allen was invited to start his representation again.

Mr Allen informed the Members that his mother who was retired lived at 23 Nickleby Road next door to 21 Nickleby Road and had done so for 50 years.

Mr Allen presented a list of reasons why the property should not become a HMO including:

- Proposal would impact on the area;
- Family area with schools;
- Fears of neighbours that occupants of HMO would be leaving and returning to the property at all times of the day;
- A registered foster caring lives at 25 Nickleby Road and has a responsibility to bring up cared for children in a safe environment;
- Increase in parking in the area;
- Detrimental effect on area and a HMO would send the area into decline;
- Effect on house prices in the area.

Mrs Roberts the applicant was also at the meeting and informed that Members that she had purchased the property for her daughter to live in whilst at university in Leeds.

She wanted to allay fears of the neighbours who had heard rumours that it was to be a half-way house for ex-offenders. She said that her daughter and her daughter's boyfriend along with another friend would be living at the property.

Mrs Roberts said that they only had one car between them which they shared, therefore she was of the view that this would not impact upon the parking in the area

Mrs Roberts went on to explain that she had updated the property including all the safety provision that she required for a small HMO. She said that the work had included updated the electrics which had been shared with number 23 it was now much safer for both properties.

Mrs Roberts informed the Members that she was a responsible landlord accredited by the Landlord Association.

Members thought it a shame that this matter had been brought to Panel as they were not against shared housing.

Members were aware of the issues HMO's can bring to an area.

RESOLVED – To grant permission subject to the conditions specified in the submitted report.

Under the provisions of Council procedure Rule 16.5 Councillor R Grahame required it to be noted that he voted against the decision to grant the permission, as resolved by the Panel and Councillor B Cleasy and Councillor P Wadsworth abstained from the vote.

60 APPLICATION No. 17/01773/FU - Construction of detached two storey house and detached double garage including demolition and replacement of existing garage at, 48 Main Street, Thorner, LS14 3BU

The report of the Chief Planning Officer sought Members consideration for an application seeking planning permission for the construction of a new house and garage within the rear garden in Thorner Conservation Area. Councillor Rachael Procter had requested that the application be brought before Plans Panel due to concerns about the impact of the development upon a designated heritage asset.

Earlier in the day Members had attended a site visit, plans and photographs were displayed throughout the presentation.

Members were informed that the proposed dwelling had been designed to resemble two link detached gabled houses. One larger principal element to the south of the site and a smaller secondary element to the north. The two elements linked by a recessed element which includes the front and rear doors, articulated by a two storey flat roofed projection. Members were provided with the measurements of the proposed dwelling.

Members heard that the proposal was for the existing plot to be subdivided to form two planning units with a single garage and a new private garden formed for number 48. Members noted that the new dwelling was intended for the current occupants of number 48.

The Panel noted that along with the concerns raised by Ward Councillor Rachael Procter, the Parish Council had also raised concerns, and 4 objections had been received.

Members heard of the proposal to use rumble strips on the shared driveway to force cars to slow down on the approach towards Main Street. It was noted that the rumble strips would be stone set and that the traffic using these would be light therefore there would not be an impact on neighbours in relation to noise.

Members were informed that a number of dwellings in this area were accessed by shared driveways this would be tied in with deeds of properties.

It was confirmed that the area was green-field land not greenspace there was an area identified as a conservation area which was the tree lined area along Mill Beck which leads towards the bowling-green. The proposed dwelling was outside this area.

It was noted that the objections of the Parish Council had been brief “we object” with no further comment from them since the revision of the plans had been advertised. Members heard that there had been significant revisions to the design, the materials to be used were still stone to the ground floor with timer cladding to the first floor and a slate roof. It was also noted that Cllr. R Procter had been briefed on the current plans and that her objections were for the current plans.

RESOLVED - To grant permission subject to the specified conditions set out in the submitted report.

61 Application No. 17/03449/FU - Replacement detached house with detached double garage to front; alterations to vehicle access and hardstanding at Darroch, Margaret Avenue, Bardsey, Leeds 17.

The report of the Chief Planning Officer requested consideration of an application for the replacement of a detached house with detached double garage to front; alterations to vehicle access and hardstanding at Darroch, Margaret Avenue, Bardsey.

Members were informed that the proposal was for a replacement dwelling which was modern in its architectural style and appearance and was reported to Plans Panel at the request of Councillor Rachael Procter who raised concerns over the modern design of the dwelling and its impact upon the local character of the area.

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

Members noted that the neighbourhood plan had now been passed and was part of the development plan.

Members were advised that the dwelling was not in a conservation area, it was noted that the property would be screen by trees and vegetation.

Members were provided with the measurements of the proposed dwelling and the proposed detached garage.

Members were informed that the dwelling would be modern in appearance comprising a large flat roof. It was noted that the dwelling would be two storeys to the front and due to the topography of the site three storeys to the rear which would require significant excavations. Materials to be used included brick to the front and side elevations with timber windows, with the entire façade to the rear elevation to be glazed, perforated bricks were to be used to the front to add interest.

Members were informed that the main living space would occupy the lower two levels with the bedrooms located on the upper levels.

The Panel heard that the proposed detached garage would also be constructed of brick to match the new house and also have a flat roof. The Panel noted that the garage would be located to the site frontage as is the current garage which it was to replace.

The Panel noted that it was proposed the house and garage would be surmounted with photo voltaic panels set at angles to catch the sun's path.

Members were informed that the Parish Council had raised objection to the proposed application and also 9 letters of objection had been received along with the objection of Councillor Rachael Procter. Objections were raised in relation to the following issues:-

- Concerns over the height of the building;
- Design;
- Parking for contractors and access;
- Flat roof and glass facades unsuited to the village;
- Inappropriate in location and context.

Members were informed that there was no disparity in height with neighbouring properties in fact was slightly smaller due to level of excavations.

Andy Watts the Agent was available for questions from the Panel.

Steve Varley, Design Officer was also present at the meeting for questions from the Panel.

Members discussed the following points:

- The proposed design with some Members liking the modern design and others commenting it was 'boxy', like a car park, uninteresting, out of character with the area;

- The lattice brickwork to be used as design feature to the front of the property;
- The colour of the materials to be used;
- Details of the excavations to be undertaken and assurance that any excavations would be safe;
- Gradient of the driveway;
- Design Statement and Neighbourhood Plan for the area

To allay Member concerns that to grant permission for this design may set a precedent for the area especially the 1930's properties on the opposite side of Margaret Avenue, it was reiterated by the Chair that each application was assessed on its own merits

To address questions from Members David Newbury – Lead Planning Officer explained the approach that planners took when assessing design of dwellings taking into account National Planning Policy Framework and character of local area.

RESOLVED – To grant permission subject to the conditions set out in the submitted report.

Under the provision of Council Procedure Rule 16.5 Councillors B Anderson, B Cleasby, P Wadsworth and G Wilkinson required that it be recorded that they had abstained from voting.

62 APPLICATION No. 17/02735/FU - Replacement agricultural building and retrospective application for alterations to existing agricultural track - Moor Lodge Farm, Blackmoor Lane, Bardsey, Leeds, LS17 9DZ

The report of the Chief Planning Officer requested Plans Panel to consider an application for the replacement of an agricultural building and retrospective application for alterations to existing agricultural track at Moor Lodge Farm, Blackmoor Lane, Bardsey, LS17 9DZ.

Members were informed that the application was brought to Plans Panel at the request of Cllr. R Procter, due to the location in Green Belt, objections received, the scale and location of the proposed building and its relevance to the agricultural holding of the applicant.

Members were informed that the application proposed a replacement agricultural barn/ storage building to be erected in a combination of steel framework, concrete panels to the lower portion and vertical timber boarding to the upper portion. It was noted that the proposed building was to replace a series of existing structures which are in poor visual repair.

Members heard that the applicant owns or leases 10 fields and has cows, calves and sheep. The proposed building would be used to house equipment and livestock.

Members were informed that the application also proposed the formation of an access track leading from the existing gated access point on Blackmoor Lane. It was noted that this had been formed without permission however this had now been realigned.

Members were advised that an agricultural survey had been undertaken and clarified that the use of the land was appropriate for Green Belt and the design and materials for the agricultural building had been approved.

Members were also advised that there was no impact on neighbours.

Members noted that the Neighbourhood Plan had now been passed as part of planning and policy.

RESOLVED – To grant permission subject to specified conditions set out in the submitted report.

Under provisions of Council Procedure Rule 16.5 Councillors B Anderson and G Wilkinson required that it be recorded that they abstained from the vote.

63 APPLICATION No.17/01896/FU - Change of use from bank (A2) to a bar/restaurant (A3/A4) at Yorkshire Bank, 53-55 Harrogate Road, Moortown, Leeds, LS7 3PY.

The report of the Chief Planning Officer on an application for change of use from bank (A2) to a bar/restaurant (A3/A4) at Yorkshire Bank, 53-55 Harrogate Road, Moortown, Leeds, LS7 3PY, had been reported to Panel on 14th September 2017. The Panel had sought clarification on the usage and the opening hours. Minute 46 refers.

Members were informed that the agent had now confirmed that they wished to seek a change of use to A3/A4 bar/restaurant and the opening hours would remain the same as originally applied for 9:00am to midnight 7 days a week.

Members were advised that no potential operator had been identified.

Members discussed the following issues:

- Opening times;
- Type of use;
- No. of seats;
- Contribution from applicant towards public square;
- Exterior and interior of the building and potential for original features to be retained and incorporated into design.

RESOLVED – To defer and delegate approval to the Chief Planning Officer as set out in the submitted report with the additional condition for a survey and the retention of internal features of architectural/historic value.

Under provision of Council Procedure Rule 16.5 Councillor P Wadsworth required that it be recorded that he had abstained from voting.

It was noted that Councillors B Anderson and S McKenna had not taken part in the vote as they had not been present at the meeting of 14th September when the application had first been presented.

64 Date and Time of Next Meeting

It was noted that the next meeting of the North and East Plans Panel to be held on Thursday 16th November 2017 at 1:30pm in the Civic Hall.