

NORTH AND EAST PLANS PANEL

THURSDAY, 9TH JULY, 2020

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, R Grahame,
D Jenkins, E Nash, N Sharpe, M Midgley,
T Smith and B Anderson

CHAIRS OPENING REMARKS

The Chair welcomed everyone to this the first “remote meeting” of North and East Plans Panel and apologised for the delay in the start of the meeting which had been due to technical issues.

The Chair explained that internet connectivity may be an issue for some participants and suggested it may be appropriate to appoint a Deputy Chair who could assume the Chair should the Chair lose connectivity.

The Chair proposed that Councillor Elizabeth Nash be nominated as the Deputy Chair, the proposal was seconded, upon been put to the vote the motion was passed.

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 items which required the exclusion of the press and public.

3 Late Items

There were no formal late items. However, information provided by the objector had been circulated to Members as supplementary information, but on advice had been withdrawn from public view in light of concerns raised over its content by the applicant’s representative.

4 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

5 Apologies for Absence

There were no apologies for this meeting.

6 Minutes - 27th February 2020

RESOLVED – That the minutes of the meeting held on 27th February 2020, be approved as a correct record.

7 19/07228/FU CONSTRUCTION OF A PAIR OF TWO STOREY SEMI-DETACHED DWELLINGS SHERI DENE , ELMWOOD LANE, BARWICK IN ELMET, LEEDS

The report of the Chief Planning Officer set out an application for the erection of a pair of two storey semi-detached dwellings at Sheri Dene, Elmwood Lane, Barwick-in-Elmet, LS15 4JX.

This application had been subject to a site visit which had taken place on the 27th February 2020. At the meeting the application was subsequently deferred. Minute 81 refers.

Members were advised that officers had been on site since the last meeting and the presentation before them included updated photographs of the site as it was currently.

Since the publication of the report there had been additional representation and information which the Planning Officer provided for Members:

- Updated position on the Judicial review which was set out at paragraphs 2 and 3 of the report. All Parties have now signed a consent order and the condition on the original planning permission has now be quashed;
- Additional representation had been received from the residents at Throstle House who are of the view that the front building line should be maintained;
- Mr Hardy of Elmwood House had also sent in further representations which he had sent to Panel Members which included:
 - Additional drawings submitted by the agent are incorrect;
 - Raised concerns in relation to the conservation officers comments in relation to the listed building and the conservation area including the ‘crofts’ and ‘tofts’, the walls; and also relates to pre-determination of this application and that the Planning Officers report is biased;
 - Lack of engagement with the local community;
 - Also queries the content of the report and the description of the site and the area was of the view that negotiations etc. were flawed;
 - Concerns also raised on the greenfield site and the impact on the conservation area, impact on the listed building and impact on residential amenity of future occupants.

The presentation included photographs, drawings and maps.

Members were advised of the following points:

- Barwick-in-Elmet is a village with a few shops and public houses;
- The character of the area is a mix of historic and more modern buildings;
- Elmwood House is a grade II listed building along with curtilage front boundary wall;
- The proposal is for a pair of 2 storey semi-detached dwellings which would sit on the footprint of the previous bungalow. However, the proposed development is slightly larger than the previous footprint;
- The would be a single storey to the rear of the properties;
- The gardens of the two dwellings would be separated by a hedge along the boundary;
- Additional access off Elmwood Lane would be provided by 'puncturing' through the front boundary wall;
- The proposed dwellings would have gable roofs and chimneys. The construction materials are to be of natural stone and slate;
- Both dwellings would comprise of four bedrooms two including en-suites;
- The grass verge between the road and the boundary wall would remain, but the conifer growing close to the wall would be removed;
- The character of the area is varied with a mix of properties and materials;
- Members were advised of heritage issues and of legislation in relation to conservation areas;
- The amenity distances were in compliance of national planning guidance and regard had been given to the oblique nature of Elmwood House and that no over dominance or over shadowing would be an issue;
- The site was deemed to be greenfield and brownfield as the application is slightly larger than the footprint of the previous dwelling;
- The dwellings exceeded space standards;
- Access to and from the site was suitable with good visibility;
- Each dwelling would benefit from an Electric Vehicle Charging Point;
- This application has been scrutinised by a number of officers within the Council;
- S106 for planting and maintenance would be covered by a condition;
- It was the opinion that any overlooking was mutual overlooking and in compliance with policy.

The Legal Officer confirmed that legal tests in relation to Sections 66 and 72 Planning (Listed Building and Conservation Area) Act 1990 had been met and were detailed within the submitted report. She advised Members when considering the application they must bear in mind the legislative impact of section 66 and 72 and consider the historic importance and the weight of preserving the building. She explained that the setting when considering a listed building was of importance.

The Conservation Officer advised the Panel of the following points:

- Elmwood House is early 19 century Georgian house, it is well proportioned and has good architectural merits;

- Its historical value is that of a domestic house in a village. Its position in Main Street sits with smaller more cottage type houses. This is part of its historic value of how houses developed in a rural setting;
- The continuous frontage of the properties sets out the underlying medieval pattern of 'tofts' and 'crofts' as mentioned by Mr Hardy in his representation. These are a narrow long strip of land which would have had a farm at the front and farm buildings behind leading on to Elmwood Lane. This is a planned settlement. It was noted that this pattern has been infilled and overlaid by developments at rear through the late 19, 20 and 21 century. However, the line of the 'tofts' and 'crofts' can still be seen in the high walls running alongside the plot. It was the view of the Conservation Officer that the proposed development would preserve the special frame set by the high walls;
- The impact on the listed building by the proposed development Elmwood House has off set views is partially hidden by a large garage on the boundary, it was not the view that the proposed development would impose on the listed building, but that the impact would be neutral.

Mr Hardy speaker against the proposal addressed the Panel informing them that he was a Planning Lawyer of twenty years. He said that he was not against the development of the site or neighbours, but was of the opinion that this was a poor planning application and was an overdevelopment of the site. He said there had been no communication or consultation with himself, the Parish Council or the community.

He raised his concerns as follows;

- The drop in land to the rear of the property meant that from both the bedrooms there would views into neighbouring properties;
- The heritage report was legally flawed even the revised report failed to comply Section 66 and 72 in relation to listed buildings;
- 50% of the front boundary wall would be lost to provide access to the new properties;
- The character of the area would be damaged as well as damage to Elmwood House a Grade II listed building.

In responding to questions from Members, Mr Hardy informed the Panel of the following points:

- The brick on top of the front boundary wall was not part of the original wall and served no historical provenance and that the removal of the bricks would be an improvement;
- The demolition of the bungalow was a criminal offence, the contractors had failed to deal with the asbestos contamination in the correct way and had damaged the boundary wall;
- The definition of Greenfield as set out in the NPPF was of land occupied by a permanent structure now demolished and now blended into the landscape. The land on the site now had self-seeded and currently looked more like a paddock;

- He was of the view that a single storey or 1.5 storey dwelling would be a more acceptable use of the site;
- There had been no consultation, no engagement with the community or the Parish Council;
- The Neighbourhood Plan indicates sensitive development within the conservation area. There is no specific view on the character of the property, but HO2 of the Neighbourhood Plan does specify in relation to overdevelopment and therefore is in breach of this. There is nothing in the Plan about the need for bungalows only that developments should be of a sensitive design;
- The concern was with the bulk of the proposed dwellings as it would be doubling the height of the bungalow previously on the site. There had been no issues with Sheri Dene (the bungalow) in relation to overlooking as there would be with the two properties proposed;
- This was not about a right to a view but was a concern about the overdevelopment, overbearing and planning consideration about amenity;
- There is a drop of 3.5 metres in land levels from the development site and Elmwood House. The distance from the proposed dwellings is just over the minimum distances from the boundary. It was the gain in height that was the concern;
- Mr Hardy was of the view that the drawing provided by the developers were wrong.

The Group Manager, Area Planning provided a full context of policy for Members.

Mr Taylor attended the Panel as the applicant's representative, he addressed the Panel providing the following information:

- With regards to the accuracy of the additional views of the residents he explained that measures and survey information were provided by software;
- He agreed that the wall to the front of Birch Lodge was inaccurate on the drawings as it was shown to be too high. The boundary wall between the two properties was important;
- The software used was more accurate and provided better information for the site than that of Google Street View;
- The front boundary wall was 20 metres long and they were only looking to remove 3.6 metres for the new access point;
- Amenity – levels across the site of 3.5 was correct. However, the building further down the site measured at 2.3 metres was not full storey height. The rear of the property to Elmwood House is oblique so effects the distance;
- The design is sympathetic to the conservation area.

Mr Taylor in responding to questions from Members provided the Panel with the following information:

- There had been no consultation carried out with the community, neighbours, local ward members or the Parish Council;

- The application for two houses on the site was appropriate in the view of DEN (the applicant's agent) and the Council's Planning Section;
- He was not aware of any planning need for bungalows in the village;
- He had not been involved with the demolition of the bungalow, so unable to comment;
- The boundary wall was 2.1 metres in height on the adjacent property and 2.6 metres in height on the side of the site;
- Without the view of his client he was unable to say that non-reflective windows could be installed, but noted that the house adjacent had non-reflective windows and could be a consideration;
- The outbuildings would remain they would be made good they were interlinked with the existing wall.

Responding to questions from Members officers advised the Panel of the following points:

- Policy definition was provided as to minimum standards in relation to distances between properties. It was noted that the distances between the proposed dwellings and the neighbouring properties complied and in some cases exceeded the minimum requirements;
- The differing levels in land along the rear boundary differed from 90cm to 1.2 metres;
- Neighbourhood Planning Policies had been taken account of and these were specified at paragraph 44 of the submitted report. No other policies needed consideration.
- In relation to climate change the development would benefit from permeable paving, hedging was to be used for landscaping and boundaries and water butts to be installed. All legal test had been met and the development was sustainable in line with current policies;
- There would be two parking spaces for each dwelling although it was noted that one property may have space for one more car if required;
- Conditions for landscaping could be imposed to ensure the planting of trees and hedges.

Member's discussions included:

- Design of the dwellings;
- Distances between the proposed dwellings and neighbouring properties;
- Conditions in relation to Permitted Development;
- Lack of consultation with local ward members, community and Parish Council;
- The need for local ward members input into new planning applications;
- Differing land levels and overlooking issues.

It was noted that Cllr Ryan Stephenson had requested that this application be considered by the Plans Panel. It was also reported by Cllr. Anderson that Cllr Matthew Robinson was unhappy about the application and that no consultation had been taken with local ward members, the community or the Parish Council. However, officers confirmed that no comment had been received from Cllr Robinson on this matter.

RESOLVED – The planning permission be granted subject to conditions set out on pages 13 and 14 of the submitted report and to include the following additional conditions in respect of:

- Details of existing and proposed ground and finished floor levels;
- Details of windows, including glazing, to the rear elevation;
- Details of sustainability measures to be incorporated into the design, including insulation, to be submitted for approval.

8 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be Thursday 13th August 2020, at 1:30pm.