

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 29TH MAY, 2014**

**PRESENT:** Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, R Finnigan, C Gruen,  
M Harland, C Towler, P Truswell and  
R Wood

### **132 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable interests but Councillor Bentley informed the Panel that he was a member of Yorkshire Cricket Club and would not be taking part in the voting or discussion on Agenda Item 13 – St Michael's Lane, Headingley Leeds.

### **134 Minutes - 1 May 2014**

**RESOLVED** – That the minutes of the meeting held on 1 May 2014 be confirmed as a correct record.

### **135 Matters arising from the Minutes**

Further to the application for development at Victoria Road it was reported that until the call-in period finished the application could not be progressed. Further notice regarding the call-in was expected within a week.

It was also reported that the government had received funding for the new rail stations at Apperley Bridge and Kirkstall Forge. Work was expected to commence in July 2014 and be completed in mid 2015.

### **136 Application 13/02604/FU - St Bernard's Mills, Gelderd road, Gildersome, Morley**

The report of the Chief Planning Officer presented an application for changes to an existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping.

Site photographs and plans were displayed at the meeting and the Panel had received a position statement on the application in March 2014.

Further issues highlighted regarding the application included the following:

- Members were informed that late information had been received from local residents and MAS Environmental Health Consultants. This information had not been circulated due to lateness and a Member requested that the item be deferred in the interests of fairness and reasonableness as it was considered that the late information could be vital in determining the application. As representatives of the Environment Agency were in attendance for the item, it was suggested that the application be considered and if necessary a decision could be deferred to the next meeting of the Panel.
- The site was based within the greenbelt and was safeguarded for waste management within the development plan.
- The proposals included an extension to the main recycling building which would help to minimise noise and odour pollution and an extension to the office block which would enable the operator to remove portakabins from the site.
- Details of internal operations within the building and how these would contribute to the reduction of noise and odour pollution.
- Changes to movements of vehicles within the site to reduce noise.
- Environment Agency permission was required and they were responsible for monitoring the site.

A local resident spoke in objection to the application. Concerns raised included the following:

- Significant impact on nearby properties due to waste odours.
- The location was not suitable for such a facility.
- The Environment Agency had conceded that there was always a potential for odour.
- The odour prevented people using the outdoor areas of their properties and excessive smells had made people physically ill.
- The wagons using the site were excessively noisy and also caused odour pollution. There were over 100 visits per day and this led to queuing traffic.
- The opinion of MAS Environmental Health Consultants was that the nuisance was likely to continue.
- In response to questions from Members it was reported that there had been over 100 complaints regarding operations at the site and there

had been meetings with the Chief Planning Officer and representatives of the Environment Agency. There was also an outstanding ombudsman case.

Further to Members comments and questions, discussion included the following:

- Further to concern that the facility was operating outside planning consent, it was reported that the waste treated there was covered within the planning and Environment Agency permissions.
- The proposals would not permit additional volume of waste to be treated at the site.
- A suspension notice had previously been served at the site but was subsequently lifted as a result of mitigation works. Further problems could result in the permit being revoked but the Environment Agency felt that all that could be done to prevent odour at the site was reasonable. It was inevitable that there would be some odour but the site had an Odour Management Plan and was used as an example of excellent practice.
- Responses to complaints and the process for carrying out odour assessments.
- A further suggestion to defer the decision to allow officers to respond to the late information which was submitted. There was some concern expressed by officers regarding the late information as MAS Environmental Health Consultants had previously carried out a study that supported the site and that the late submission was more opinion than evidence based.

It was moved to defer the decision to a future meeting of the South and West Plans Panel.

**RESOLVED** – That the decision on the application be deferred to the next meeting to allow further consideration of the late information submitted.

**137 Application 13/05831/LA - Former South Leeds Leisure Centre, Beeston Road, Hunslet**

The report of the Chief Planning Officer referred to an application for a part single and part two storey primary school, associated car parking and service area, multi-use game court, hard and soft landscaping at the former South Leeds Leisure Centre, Beeston Road, Hunslet.

A pre-application had been brought to Panel in December 2013 when Members had been broadly supportive of the application. Concerns raised

then included impact on the surrounding highways, car parking and loss of playing fields and changing facilities.

Site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Car parking spaces had been increased from 38 to 49 since the pre-application presentation.
- Possibility for future expansion of the school.
- Highways mitigation measures – introduction of a 20 MPH zone, waiting restrictions, provision of a turning area and crossing provision.
- There would be a replacement Multi Use Games Area (MUGA) – Sport England had agreed to this and it would be available for community use.

In response to Members comments and questions, the following was discussed:

- Members supported the community use of the MUGA and increased car parking proposals.
- The classrooms and corridors were all compliant with regulations for schools.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

### **138 Application 14/01883/FU - 9 Moorway, Guiseley, Leeds**

The report of the Chief Planning Officer presented an application for alterations including raise roof height to form new first floor to bungalow; two storey front and rear extension and new roof to existing garage at 9 Moorway, Guiseley.

Members attended a site visit prior to the meeting and site plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- The property fell within the conservation area and the Tranmere Park Design Area.

- The property was considered to be out of character with the area in its present design.
- The proposals would fit the existing footprint of the property.
- There had been objections from two ward councillors and 20 letters of objection in total. Objections included the proposals being out of character, having an overbearing effect on other properties and not fitting with the design guide.
- It was felt that the proposals were of a much improved design to the current building and the improved design would enhance the conservation area. There would be no significant shadowing caused and it was recommended to approve the application.

A local resident addressed the Panel with concerns regarding the application. These included the following:

- The proposals would mean extensive change to the size and design and would drastically alter the street scene.
- The change in size would be exacerbated by the positioning of the building on the hill.
- The design statement states that there should be a maintained mix of bungalows and houses – the proposals went against this.
- Nearby properties would suffer loss of amenity and light.
- The proposals threatened the historical character of Tranmere Park.

In response to Members comments and questions, the following was discussed:

- Although the proposals did not comply with the design statement it was felt that the current building was significantly out of character.
- Concern that the proposals would have an impact on others and their wellbeing.
- The proposals met correct distances within guidelines.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**139 Application 14/01096/FU and Application 14/01094/ADV - 7 Cliffe Court Yeadon, Leeds**

The report of the Chief Planning Officer presented the following applications at 7 Cliffe Court, Yeadon:

- Change of use of shop to betting shop (A2), installation of new shop front, two air conditioning condenser units, one satellite dish and one TV aerial.
- One internally illuminated fascia sign and one non-illuminated projecting sign.

The application for the change of use and installation of new shop front, two air conditioning condenser units, satellite dish and tv aerial had been considered at the previous Panel meeting when it had been refused and deferred for reasons for refusal to be brought to this meeting.

The officer recommendation in the report was to refuse the application for change of use due to the loss of the only remaining A1 unit in a secondary shopping frontage and detriment to the vitality and viability of the town centre contrary to policies within the Unitary Development Plan and National Planning Policy Framework.

With regard to the application for signage, it was reported that there had been objections from a local Ward Councillor regarding the use of internally illuminated signs in conservation areas. With regard to the refusal of a sign at an adjacent property, it was reported that this was very different in design and it was recommended to approve the application.

**RESOLVED –**

- (1) That Application 14/01096/FU be refused as per the officer recommendation outlined in the report.
- (2) That Application 14/01094/ADV be approved as per the officer recommendation and conditions outlined in the report.

**140 Application 13/05643/RM and Application 13/05514/COND - Stonebridge Mills, Stonebridge Lane, Farnley**

The report of the Chief Planning Officer referred to an application for the variation of condition 6 of planning approval 11/00897/RM relating to hours of delivery and condition discharge application 13/05514/COND relating to opening at Stonebridge Mills, Stonebridge Lane, Farnley.

The following had been proposed:

Minutes approved at the meeting  
held on Thursday, 3rd July, 2014

- Hours of opening: 24 hour opening Monday to Saturday with 1000 to 1700 on Sundays and Bank Holidays.
- Hours of delivery: changed from 0800 to 2000 Monday to Saturday and not at all on Sundays and Bank Holidays to 0600 to 2200 Monday to Saturday and 0900 to 1800 on Sundays and Bank Holidays.

It was reported that the key concerns raised had been with regard to residential amenity and the Panel was shown photographs and plans with distances to the nearest residential properties. Discussions had been held with Environmental Health regarding acceptable noise levels and reference was made to measures carried out to limit noise. Members were informed of objections to the applications which included potential for noise and disturbance and the impact on other nearby businesses.

It was recommended that the application be approved for a temporary period of one year.

A local resident and local shop owner addressed the Panel with concerns regarding the application. These concerns included the following:

- The loading bay and car park was adjacent to residential properties and this would cause noise and disturbance.
- No assessment had been made of the amphitheatre effect due to the store's location and how this exacerbated noise.
- Concerns that the 24 hour opening would attract use of the car park causing disturbance.
- Increased opening hours would have an impact on neighbouring businesses and this would lead to loss of jobs for local people.

The applicant's agent addressed the Panel. Issues highlighted included the following:

- The proposals had been agreed in principal and had been assessed and accepted. There had been no technical objection on noise grounds.
- 24 hour opening was sought to serve the interests of the local community.
- Deliveries would be needed on a weekend to meet peak trade and it was anticipated that there would only be 2 or 3 deliveries on a Sunday.

- All deliveries would take place in a covered service yard and there would be a noise management plan.
- In response to questions from the Panel the following was discussed:
  - There had not been direct consultation with the local community regarding the proposals.
  - Local employment opportunities.
  - A service delivery plan was in place for deliveries which included noise insulation. This had been supported by Planning and Environmental Health.
  - Potential noise disturbance from cars - this had been considered with Environmental Health and it was not felt that it would be significant enough to have an adverse impact.

In response to comments and questions from Members, the following was discussed:

- It was felt that late night customers would park at the front of the star which was a further distance away from residential properties.
- It was suggested that the application be granted for 12 months in the first instance so the long term effects could be measured.
- There was no concern regarding potential disturbance from vehicle headlights. This had been assessed when the original application was approved.
- There was an identified need for a supermarket and this application was not considered to have an impact on others.
- Concern that the proposals were very different to what had already been agreed and that there had been no further community consultation.
- Opening hours of the store were not agreed at the time of the original application.

## **RESOLVED –**

- (1) That Application 13/05643/RM – Variation of condition 6 of planning approval 11/00897/RM relating to hours of delivery be refused on basis of detrimental effect upon amenity.



- (2) That Application 13/05514/COND – Condition discharge application relating to hours of opening – officer recommendation be overturned: condition not discharged.

**141 Application 14/01347/FU - 48 and 50 Walmsley Road, Hyde Park, Leeds**

The report of the Chief Planning Officer presented a retrospective application for alterations including raising roof height and new dormer window to rear of both houses, with alterations to existing dormer frontage to erect matching hung tiles.

Members attended a site visit prior to the meeting and plans and photographs were displayed.

Further issues highlighted in relation to the application included the following:

- Proposed changes to the dormers included adding tiles to improve the appearance, installing obscure glazing to the bedrooms and the inclusion of roof lights.
- The applicant had been poorly advised regarding the construction of the dormers and had not realised that they were not carried out under permitted development.
- It was recommended to refuse the application.

A local Ward Councillor addressed the Panel with reasons to support the application. These included the following:

- The family at the property had full time carers and looking after terminally ill parents. The dormers had been made to provide extra space.
- The work was undertaken in good faith after being informed it would be allowed under permitted development.
- The proposal to use cladding would improve the appearance.

In response to Members comments and questions, the following was discussed:

- Suggestion of further negotiation with the applicant.
- The dormer was brought to attention of Planning Officers through the enforcement process.

- The appearance of similar dormers in the area.
- Reference to the Householder Design Guide
- Relationship to neighbouring properties.

**RESOLVED** – That the application be refused as per the officer recommendation: Members were not inclined to accept the revised proposal which attempted to separate the dormer in two. Officers were requested to negotiate two reduced dormers; tile hung and at this time not commence enforcement action until the conclusion of these discussions. Ward Members to be consulted on any revisions received.

#### **142 Application 13/05526/FU - St Michael's Lane, Headingley, Leeds**

The report of the Chief Planning Officer presented an application for the installation of four floodlights, substation and associated infrastructure to cricket ground at St Michael's Lane, Leeds.

Members had received a position statement in February 2014 and site plans and photographs were displayed at the meeting.

Further issues highlighted in relation to the application included the following:

- The proposals would see four permanent floodlights on 50 metre columns. Since the position statement there had been a reduction in the size of the floodlight heads and the number of lights to be used.
- Members were shown photo montages of what the floodlights would look like and what they would look like if retractable columns were used.
- A copy of the light spill plan was shown.
- Photos were displayed of floodlight solutions at other grounds including those with a crank and retractable poles.
- Representations received – issues highlighted included concern that final design would not be available for public scrutiny; concern regarding light levels and impact on birds and bats.

In response to Members comments and questions, the following issues were discussed:

- Floodlights were required at the ground so bids could be made for international cricket to be staged there.

- The height of the proposed columns was necessary to get the correct angle to light the playing field.
- Improvements to the scheme since the position statement were welcomed and it was felt that these would cover some of the concerns raised by residents.

**RESOLVED** – That the application be granted as per the officer recommendation and conditions outlined in the report.

**143 Position Statement Application 14/02073/OT - Rose Court Lodge, Former Leeds Girls High School, Victoria Road, Headingley, Leeds**

The report of the Chief Planning Officer presented a position statement on an outline planning application for amendments to the layout of extant planning permission 12/01236/FU to provide 51 townhouses, 31 apartments and 1 dwelling at Rose Court Lodge.

Members were shown site plans and photographs.

Further issues highlighted in relation to the application included the following:

- Further land on the site was required for the NGT scheme – this would lead to the loss of two buildings in the conservation area; loss of trees; removal of the 4 storey extension at the rear of the school building.
- A revised scheme would see more town houses with larger gardens.
- The south side of the site would remain unchanged.
- There would be the loss of the garden building which was to be converted into 4 flats.
- There were still some highways issues to resolve.

In response to comments and questions from Members and questions outlined in the report, the following was discussed:

- Clarity was sought on the position of a tree as to whether it would need removal due to the NGT.
- Changes that included more town houses and less flats were supported.
- Support was given to the proposed Section 106 package.

**RESOLVED** – That the report be noted.

**144 Application 14/00970/FU - Land off Tong Road, Farnley, Leeds**

The report of the Chief Planning Officer presented a position statement for an outline application for a single storey retail food store with car parking, landscaping and associated works at land off Tong Road, Farnley.

Site plans and photographs were displayed during the meeting.

Further issues highlighted in relation to the application included the following:

- The proposals were for a detached food store – there would be 83 car parking spaces and the store would create between 20 and 30 part and full time jobs.
- There had been letters of support and one letter of objection to the application. There had also been an objection from the Morbaine site in Armley Town Centre as they were in discussion with a retail operator.
- The applicant had submitted a sequential test that the Morbaine site would be too difficult to develop. There was also reference to the Tong Road site being preferable for residents and would reduce the impact of transport.

Further to Members comments and questions, the following was discussed:

- The letters of support had been completed standard pro-formas supplied by the applicant.
- There had been support for the applicant from local Ward Councillors.
- In response to questions outlined in the report, Members were generally supportive of the proposals. It was reported that there was to be further discussion with Morbaine regarding negotiations for proposed provision at that site.

**RESOLVED** – That the report be noted.

**145 Application 13/05550/FU - Former Social Club, Pool Road, Otley**

The report of the Chief Planning Officer presented a position statement on an application for the erection of five light industrial units at Pool Road, Otley.

Site plans and photographs were displayed during the discussion.

Further issues highlighted in relation to the report included the following:

- The site was within the greenbelt.

- There had been 45 letters of support which included the opportunity to improve the site and creation of new jobs.
- The re-use of the sports pitch on the site.
- The business case to support the proposals.

In response to Members comments and questions, the following was discussed:

- Further clarity was sought on the long term use of the playing pitches.
- Long term viability of the business and the support from the parent company. It was reported that the it was the aim for the business to become self-sufficient but that there was a long term commitment from the parent company.

**RESOLVED** – That the report be noted.

**146 Date and time of next meeting**

Thursday, 3 July 2014 at 1.30 p.m.