



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 10th March, 2016
at 1.30 pm

MEMBERSHIP

Councillors

R Grahame	B Cleasby	J Procter
M Harland		G Wilkinson
C Macniven		P Wadsworth
B Selby		
S McKenna		
N Walshaw		
(Chair)		
A McKenna		

**Agenda compiled by:
Governance Services
Civic Hall
Tel: 0113 3951712**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES - NORTH & EAST PLANS PANEL HELD ON 4TH FEBRUARY 2016</p> <p>To confirm as a correct record the minutes of the North and East Plans Panel meeting held on 4th February 2016.</p>	1 - 14
7	Killingbeck and Seacroft		<p>APPEAL APPLICATION 15/00737/FU - ERECTION OF NINE SELF CONTAINED FLATS, TRUST OFFICE, SUTTON APPROACH, KILLINGBECK, LEEDS</p> <p>The report of the Chief Planning Officer requests Members to consider an appeal against the decision of Leeds City Council to refuse planning permission for the erection of nine self-contained flats at Trust Office, Sutton Approach, Killingbeck, Leeds LS14 (Ref: 15/00737/FU).</p> <p>(Report attached)</p>	15 - 20

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8	Wetherby		<p>APPLICATION 15/07176/FU - REMOVAL OF CONDITION 3 (BUILDING FOR AGRICULTURAL USE ONLY) OF PLANNING APPROVAL 07/06083/FU - PARK HILL FARM, WALTON ROAD, WETHERBY,LS22 5DZ</p> <p>The report of the Chief Planning Officer to consider a request by to remove Condition 3 of planning approval (07/06083/FU) at Parkhill Farm, Walton Road, Wetherby, Leeds.</p> <p>(Report attached)</p>	21 - 28
9	Harewood		<p>APPLICATION 15/05600/FU - AGRICULTURAL BARN - SCARCROFT GRANGE, WETHERBY ROAD, SCARCROFT, LEEDS, LS14 3HJ</p> <p>The report of the Chief Planning Officer requests Members to consider an application for an agricultural barn at Scarcroft Grange, Wetherby Road, Scarcroft, Leeds, LS14 3HJ</p> <p>(Report attached)</p>	29 - 38
10	Wetherby		<p>APPLICATION 15/07263/FU - REPLACEMENT FENCING TO PART OF SITE BOUNDARY HM PRISON WEALSTUN, WALTON ROAD, THORP ARCH, WETHERBY</p> <p>The report of the Chief Planning Officer requests Members to consider an application for replacement fencing to part of site boundary at HM Prison Wealstun, Walton Road, Thorp Arch, Wetherby, Leeds.</p> <p>(Report attached)</p>	39 - 46
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting of the North and East Plans Panel will be Thursday 7th April 2016, at 1:30pm</p>	

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Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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NORTH AND EAST PLANS PANEL

THURSDAY, 4TH FEBRUARY, 2016

PRESENT: Councillor N Walshaw in the Chair

Councillors M Harland, J Procter,
B Cleasby, S McKenna, R Grahame,
C Macniven, B Selby, P Wadsworth and
G Wilkinson

136 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

137 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

138 Late Items

There were no late items.

139 Declarations of Disclosable Pecuniary Interests

Cllr. Wilkinson declared an other interest in Item 12 15/06025/FU – Variation of condition 2 (approved plans) of planning permission 14/04558/FU to allow minor material amendments to the elevations and floorplans at Boston Spa Methodist Church, Boston Spa As he had met the applicant. He requested not to take part in the consideration of the matter. Minute 149 refers

140 Apologies for Absence

Apologies for absence had been received from Cllr. Andrea McKenna.

141 Minutes - 7th January 2016

RESOLVED – That the minutes of the North and East Plans Panel meeting held on 7th January 2016 be approved as a correct record.

142 Matters arising

With reference to Minute 130 a verbal update on application 14/00575/FU – 56 The Drive LS15 was provided by the Deputy Area Planning Manager.

The Panel were informed that a practical completion certificate should be received by the end of February.

The back garden had been tidied and work had been undertaken to trees within the property.

143 Application 15/05350/FU - Waste Transfer Station, Knowsthorpe Road, Cross Green Leeds, LS9 0NX

Members had visited the site earlier in the day and plans and photographs were shown to Members during the meeting.

The application proposed the redevelopment of an existing waste transfer station. This would include the construction of an additional waste reception building, site officer and welfare building and weighbridge office, with associated hard-standing, drainage and ancillary works including the provision of staff parking within the site.

The application had been brought to Plans Panel at the request of Cllr. Ronald Grahame who raised concerns regarding environmental impacts and highway safety from the operation of the site.

The Panel were provided with a brief outline of the proposed site at Cross Green Industrial Estate as set out at 3.0 of the submitted report.

The Panel was informed that complaints had been received in relation to dust, odour and highway safety.

In relation to concerns raised in regard to highway safety the Panel were informed that part of Knowsthorpe Road was un-adopted and the applicant as part of the proposed redevelopment had committed to funding a Traffic Regulation Order (TRO) to resurface the road and to protect the junction of Knowsthorpe Road and Knowsthorpe Gate and provide yellow lines to restrict parking.

Photographs of the current site and plans of the proposed development were presented to the Panel. The presenting Officer explained the location of the proposed buildings and facilities for processing the waste and odour management.

The Panel were informed that the operator would focus solely on the production of Refuse Derived Fuel (RDF). The process of producing RDF was explained to the Panel including the packaging and wrapping of the RDF bales to reduce odour and pests.

Mr Ballam, MWP Planning spoke on behalf of Vehicle Bodycare Centre (VBC) a neighbouring business who had objected to the application on grounds of highways and environmental impact, the latter arising from dust and odour.

Mr Ballam informed the Panel that VBC had been at that site before Impetus had moved in. He went on to say that VBC had received numerous complaints from their many customers who included Mercedes, Volkswagon,

and West Yorkshire Police in relation to the dust on the vehicles and the odour both outside at the premises of VBC and inside the vehicles.

Mr Ballam informed the Members that VBC had requested;

- Pest control plans
- Traffic plans
- Odour plans

VBC were of the view that in relation to highway safety it was the number of vehicles travelling to and from site rather than the tonnage that was the concern.

Mr Ballam proposed that it be agreed at the Plans Panel that a meeting with neighbouring business should take place on a regular basis to discuss any issues.

In response to a question from the Panel Mr Ballam was of the view that the road needed repairing to cut down on the dust and an odour management plan needed to be in place. He said that it was common practice for waste companies to agree to meet with neighbouring businesses to discuss issues as they arise.

Mr Lee Searles – Enzygo Ltd spoke on behalf of Impetus. He informed the Panel that Impetus had offered to meet with VBC however the offer had not been taken up.

He went on to explain that Impetus had kept information flow going with VBC sending the full application to them which sets out how the redevelopment of the site would address the issues raised.

The application proposes a purpose built facility to house the odour control system.

The dust was an historical issue but would be addressed through Section 106 funds to resurface the road and the TRO would address highway safety issues.

He informed the Panel that no other businesses within the vicinity had made comments to Impetus.

In response to Members questions Mr Searles said;

- Active baiting was being used to rid the area of vermin
- 60 nests had been cleared
- Environmental Health had no complaints
- The dust had been caused by waste aggregates, but this was no longer recycled.
- They had been brushing the road but VBC thought this made situation worse
- The proposed new road surface would address the dust issue

- The site is accessed one way and exited another to address highway safety
- Vehicle movements had been discussed and agreed with Officers

Members were informed that the drawing up and signing of the Section 106 would normally be completed within 3 months. An assurance was given that the road resurfacing would take place as a top priority with passing places and yellow lines.

Officers clarified a number of points for Members including;

- Information at 7.1 of the submitted report
- Information provided by the Environment Agency
- The type of waste to be recycled at the facility
- If waste was sent to the facility by LCC
- Landscaping at the site

Members had also queried the fact that no travel plan had been submitted. The Highways Officer clarified that travel arrangements had been looked at, with most employees choosing to drive rather than use the bus. A cycle path and cycle park had been provided for those who wished to cycle.

In response to Members it was suggested that in relation to condition 23 – the external storage of bales - a review mechanism could be added as part of the planning condition.

RESOLVED – To defer and delegate to the Chief Planning Officer as set out in the submitted report subject to the conditions with;

- Condition 16 to be deleted
- Variation to condition 23 to include a review mechanism
- Add a condition of liaison arrangements

144 Application 15/04603/FU - 18 Sycamore Avenue, Halton, Leeds, LS15 7RB

This application was brought to Plans Panel by Cllr Hayden who was supportive of the scheme and considered the scheme to be an improvement on the original situation and had helped to address some anti-social behaviour issues.

Permission was sought retrospectively for the change of use of land to the side of an end terrace property to form an enlarged domestic curtilage. The area of land originally formed half of a wider access route which runs between No.18 and No.16 Sycamore Avenue.

Members were informed that land subject to this application had already been enclosed by timber fencing with a concrete gravel board to the base and supported by regularly spaced concrete posts. The application proposed a

height increase to part of the existing fencing around the Cross Street boundary to achieve a total height of circa 1.83m, same as the existing concrete posts.

Members had visited the site earlier in the day and noted the work that had been undertaken by the applicant at No.18.

Members were informed of officers suggested compromise whereby the boundary treatment is set off the centre line of the access lane so that should neighbours at No.16 wish to do something similar in the future an access route would be retained. The applicant was not willing to amend the scheme and had suggested that the remaining land be safeguarded to secure access.

Cllr. Hayden spoke on behalf of the applicant informing the Panel that she had been contacted by the MP Richard Burgon and asked to look into the matter.

Cllr Hayden informed the Panel that she was supportive of the scheme for the following reasons:

- When the applicant purchased the property she had been told that the land belonged to the property
- Land Registry shows the land belongs to the property at No.18
- A number of properties in Halton had done similar it seemed to be a feature of the area
- The fencing was of a good quality and fitted with the street scene
- Neighbours had commented positively that the access was cleaner, and had stopped anti-social behaviour
- Stopped tampering of the gas meter
- Stopped young people congregating

Cllr. Hayden informed the Panel that Public Rights of Way were of the view that the land had always belonged to No.18 but over time had become a right of way.

In response to Members the Panel was informed that based on the land registry map the properties were built in the 1930's.

The Panel was informed that the applicant had documentary evidence of proof of ownership. She did not have the documents with her at the meeting.

Mrs Wright attended the Plans Panel and informed the Members of her objections to the access route being fenced off.

Mrs Wright informed the Members that she had lived opposite No. 18 Sycamore Avenue for 50 years. She said that she was not aware of any vandalism and visitors to her property commented that the fence was an eyesore.

Mrs Wright said that the access had always been a right of way her concerns that the right of way could be lost if No. 16 chose to fence off the area surrounding their property

Legal advice was provided to the Panel on request in relation to 7.1, 7.2 and 7.3 of the submitted report about the right of way issues. Members were provided with information in relation to Public Path Extinguishment Order.

Members discussed the followed issues and how to proceed:

- Issues relating to the public right of way at 7.1, 7.2 and 7.3 of the submitted report
- Extinguishment Orders including time line and cost of the orders
- Legal aspect of land registry pre and post 1970
- Impact on the community

RESOLVED – To support the officer recommendation and refuse the application for the stated reason as set out in the submitted report.

145 Application 15/04498/FU - Lidl Ltd, 144 Amberton Road, Gipton, Leeds, LS9 6SR

The application proposed the demolition of the current Lidl food store and the erection of a larger replacement food store with associated parking, access and landscaping. The existing store measures 1,100sqm gross internal area and 881sqm net. The proposed store would measure 2,470sqm gross internal area and 1,424sqm net equating to an increase in net floor space of 543sqm.

It is proposed to utilise some Council land currently set out as greenspace to accommodate this larger store.

Members had been on a site earlier in the day, photos and plans were displayed at the meeting.

Members were informed of the following:

- The location of the proposed store close to residential area
- No negative comments from residents
- No adverse impact on nearby centres
- Development would include staff welfare facility
- HGV docking area
- Vehicular entrance will be from Amberton Road only
- Pedestrian access to the store from Oak Tree Drive via a dedicated link
- Landscaping around the development including measures to address the long rear elevation
- Assessment of greenspace provision and that the payment for compensatory provision would be achieved via a different mechanism than the Section 106 agreement
- Style of building including glazing, mono pitched roof, roof insulation, and position of air conditioning units to rear of the building

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the completion of a Section 106 agreement to cover the travel plan monitoring fee and local employment and training initiatives and the

suggested conditions plus an additional condition to cover the detail of sustainability measures in the building to comply with policies EN1 and EN2 of the Core Strategy.

146 Application 15/05849/FU - Former working mens club, Lincoln Green Road, Burmantofts, Leeds, LS9 7SR

This application was presented to Plans Panel at the request of Cllr. Khan. The application by Heron Foods proposed the construction of a new local food store with associated car parking and servicing on the site of the former Working Mens Club, Lincoln Green Road, Burmantofts.

The Working Mens Club had been demolished and the site was vacant. The site is surrounded by low level fencing and walls. The site is located on the edge of the Lincoln Green local centre which contains a range of basic services. Residential properties are located in close proximity to the centre and a block of flats are located to the North and West of the site. St James' Hospital is also nearby.

Members were informed that a previous application had been withdrawn following concerns about highway access and also the potential encroachment into a corridor of land that may be required for future public transport improvements. Following consultation between the applicant, Council's Asset Management Section, Transport Services and Ward Members it is considered that these concerns have been addressed.

Members had visited the site earlier in the day and photographs and plans were shown at the meeting.

The Panel were informed that the proposal provided improvements to the junction and 15 car parking spaces. Deliveries would take place outside open hours because of access issues.

Officers were comfortable with the proposed site of the food store in relation to the four storey duplexes nearby. Assessments had been carried out and believed that there would be no impact on nearby businesses and proposed no compromise to highways.

The Panel heard from Mr Bullah the owner of Costcutter located in the Lincoln Green Centre.

He informed Members that the centre is owned by Leeds City Council and he paid half a million pounds in rent and rates. He had been at that location for 12 years and he provided a good service to the community.

Mr Bullah informed Members that he had been in consultation in relation to the viability of the Lincoln Green Centre. He said that the following concerns had been raised:

- No parking near the supermarket
- Invested £100,000 in the Post Office

- That the nearby junction was always busy
- Aldi is to build a Supermarket nearby on the former Renault site

Ms Bath on behalf of Heron Foods informed the Panel that Heron Foods wanted to invest in the Burmantofts area. The food store would provide 10 local jobs selling everyday foods. Heron foods would not unduly impact on the nearby centre as it does not sell cigarettes, alcohol, newspapers or provide postal services.

Ms Bath said that the store would be open by the end of the year if permission granted.

In response to questions about the junction she said that most people in the area do not own cars and would walk to the store therefore 15 car parking spaces were thought to be adequate, deliveries would take place for 1 hour when the store was closed so minimising any impact on the junction.

In response to a question on condition 5 regarding deliveries and potential noise nuisance, the Panel were informed that no objections had been received from Environmental Health or residents. Ms Bath said that Heron would be flexible with delivery times if concerns were raised.

The presenting officer highlighted conditions missed from the submitted report which would need to be added to deal with;

- Contamination
- Coal legacy issues
- Drainage

Members discussed the following:

- Delivery times – suggestion of review mechanism to include as part of Condition 5
- Air conditioning units need to be covered up and shielded to reduce noise and visual impact
- Revitalisation of the area
- Design of the building – suggestion that design could feature art work relating to the local area on the Beckett Street frontage

RESOLVED – To defer and delegate approval to the Chief Planning Officer in accordance with the officer recommendation as set out in the submitted report subject to further design improvements being agreed, an amendment to condition 5 relating to deliveries to include a review clause and additional conditions to cover contamination, coal legacy issues and drainage matters.

147 Application 15/05529/FU - 41 Nunroyd Road, Moor Allerton, Leeds, LS17 6PH

This application had been brought to Plans Panel at the request of Cllr. Sharon Hamilton. The planning reasons cited for the request were whether the proposals were harmful to the character of the building and the impact the proposals had on neighbouring occupants.

Draft minutes to be approved at the meeting
to be held on Thursday, 10th March, 2016

Photographs and plans were displayed at the meeting.

The application sought planning permission to extend the existing property at two storey to the sides and part of the rear and a flat roofed single storey rear extension. The remaining roof forms would be dual gable features to the front with the two storey rear element having a hipped roof. The proposal was also to increase the height of the roof.

Members were informed that two previous applications to extend the property with a two storey extension to rear and both sides had been refused. Reasons for refusal were related to character and appearance, shading and over-dominance towards No. 43 Nunroyd Road.

The Panel were informed that the original plans had changed and an element at the rear of the property had been taken out so as not to impact on neighbours.

In response to a question the Panel were informed that the property did have a conservatory at the front of the property for which there was nothing on file. The conservatory was not felt to be sympathetic with the design of the property but no enforcement action could be taken against it. The property is set back from the road and hedging surrounds the front garden.

Members were told that there was sufficient parking on site for the size of the proposed property.

Three letters of objection had been received from neighbours and the impact on them had been carefully considered. Officers believe that of the two immediate neighbours No. 43 would suffer the most impact but this was not considered significant enough to refuse.

Members discussions included the size of the property and the layout.

RESOLVED – To grant permission to the application in accordance with the officer recommendations.

148 Application 15/07027/FU - Land rear of Shoulder of Mutton Public House, Garmont Road, Leeds, LS7 3LW

The application sought permission to build 7 residential units in the form of apartments on what was the beer garden of the former Shoulder of Mutton Public House. The land had been used by the Inkwel Organisation as part of their activities. This used ceased during 2014 and the land is now unused.

The proposal was for a modern design consisting of a three storey element located to the north of the site, (closest to the Inkwel building), dropping to a

single storey element which houses a roof terrace closest to the boundaries of properties facing St Martin's Road.

Members had visited the site earlier in the day, photographs and plans were displayed at the meeting.

Clarification was provided to the Panel that conditions would be added if granted requiring the submission of existing and proposed ground and finished floor levels.

Members were informed that no objection had been received from Flood Risk Management to the proposal subject to submission and approval of a drainage scheme.

A brief history of the site was provided for the Panel including information in relation to the previous applications which had been withdrawn.

The Panel were informed that the floor space provided in each apartment exceeded the national accepted floor space standards.

Members noted the cessation of use of the site by Inkwel Organisation which effectively removed the objection to the scheme on the basis that it was considered to be a community facility as recognised by Policy P9 of the Core Strategy.

The Panel heard from Wendy Callaghan and Mr Mackie who raised the following concerns:

- The design had not changed significantly and looked like a barn
- The design of the property would impact on the neighbouring properties
- Impact on the sub-station
- Destruction of greenspace
- Residents amenity affected
- Local residents not consulted
- Increase in traffic
- Discrepancies in planning information

Mr Mowat the agent for the applicant addressed the Panel saying that it had always been the intention of the applicant to develop the site. He said that the lease on the Inkwel building would end in July 2016. The lease for the sub-station had also ended.

The Agent told the Panel that the applicant would accommodate suggestions. The proposals already set out plans for a footpath and lighting. The design had sufficient car parking and no technical issues had been raised by Leeds City Council.

RESOLVED – To grant permission to the application in accordance with the officer recommendation with an additional condition requiring the submission of existing and proposed ground and finished floor levels

Draft minutes to be approved at the meeting
to be held on Thursday, 10th March, 2016

149 Application 15/06025/FU - Methodist Church, Spa Lane, Boston Spa, LS23 6AA

This application sought to make small changes to the design of a house that was granted planning permission in February 2015. Minute 129 refers

The application had been brought to Plans Panel at the request of Cllr. J Procter due to concerns over the design.

Cllr. Wilkinson had advised the Panel of an other interest Minute 139 refers

A site visit had been undertaken by the Panel earlier in the day.

Photographs and plans including 3D drawings provided by the applicant were displayed at the meeting.

The Panel was informed of the changes as set out at 2.2 of the submitted report.

Members were informed of the following:

- Two years left on approved plans
- Car parking to remain the same
- Trees to be retained
- Land previously held by the church – the applicant had signed Certificate A to say he now owned it
- No representations received initial conservation objections through discussions and revised plans had been address

Members were informed of the conservation perspective with the Officer explaining that the new modern building best way to deal with the site as a more traditional build would need to be higher so detracting from the setting of the listed church.

Members discussed the following;

- The conservation of the site
- The changes being made
- Concerns about possible flooding
- Reference to house as a 'piece of architecture' as set out at 10.9 of submitted report
- Efficiency and sustainability of the proposed house

RESOLVED – To grant permission to the application in accordance with the officer recommendations subject to checking that the site would not flood in light of recent flood events and an additional condition to be added requiring details of the glazing and insulation to the house.

150 Application 15/05600/FU - Scarcroft Grange, Wetherby Road, Scarcroft, Leeds, LS14 3HJ

This application had been brought to Plans Panel on 7th January 2016 Minute 132 refers and had been deferred for some outstanding matters to be clarified.

The application proposed the erection of an agricultural building located within the Green Belt, on the edge of the village of Scarcroft. The application had been brought to Plans Panel by Cllr. R Procter who raised concerns relating to the size and scale of the barn to be necessary for the needs of this agricultural holding.

Members were informed that the applicant had agreed to position the door of the barn to the rear of the building. However, the applicant did not wish to change the roof of the barn to a mono pitched roof as he did not feel that it was in keeping with a rural area. The building had been reduced in height with a lower pitched roof.

Members were given clarification as to the access rights of a neighbouring property. The applicant had purchased the fields and had an agreement with the neighbours for legal rights of way. The Panel were also informed that there was a gated access.

Members were informed that a site visit had not yet taken place and the appeal was still pending.

Members discussed at length their concerns that the building as proposed could in future be changed to domestic use.

Given these concerns the Panel requested the submission of a legal agreement to restrict future conversion of the barn to a dwelling and linking the use of the barn to the land in order to prevent future severance.

RESOLVED– To defer the application for a Section 106 agreement to be secured as part of the application which ensures that the land is retained with the barn in future.

151 Application 15/07233/FU - 23, Copgrove Road, Gipton, Leeds, LS8 2SP

This was a retrospective application for an open porch to the front of No. 23 Copgrove Road.

The dimensions of the porch are:

2030mm(w)x1480mm(d)x 3800mm(h)

Members were informed that the height of the porch puts the application outside the scope of Permitted Development.

The Panel were aware that the applicant was an Elected Member of Leeds City Council and requested that a note be sent to Member Development Working Group regarding the need to avoid retrospective planning applications by Members as it sets the wrong example and is difficult for Panel to Deal with.

RESOLVED - To grant permission in accordance with officer recommendation subject to the condition set out in the submitted report.

152 PREAPP/1500743 - Allerton House, Pelham Place Chapel Allerton, Leeds

The purpose of the report was to inform Members of a forthcoming proposal for the development of a previously developed site located in Chapel Allerton town centre. The site had previously been the subject of planning permission for a Morrison's foodstore who had decided not to pursue the development.

Officers gave a brief introduction to Panel of the proposal and set out the main issue of the siting of the store as set out in the submitted report.

Representatives of ALDI and their consultants presented their proposals to the Plans Panel.

Members were informed of the following:

- Consultation undertaken with residents and local retailers
- Creation of 50 local jobs
- The store would be located to the rear of the site with the car parking to the front to reduce issues of theft and anti-social behaviour
- 77 car parking spaces
- Car parking would not be limited to customers of Aldi but for use by visitors to local shops, amenities and business
- The store would open between 8am until 10pm
- After local consultation the preferred building materials were stone in keeping with Yorkshire Bank nearby
- Transport assessments had been carried out including pedestrian access
- Store would be open during 2017

The Panel were shown three design options.

The Panel heard from Ian Collins on behalf of Chapel Allerton Neighbourhood Plan (CANPLAN) he expressed concerns in relation to:

- The demolition of Allerton House
- The use of the site for Aldi for solely retail
- The existing building could be used for mixed use including residential, retail and business. He explained to the Panel that he was an architect and had looked at this site as a potential mixed use scheme
- Requested that Members not be influenced by previous application
- A survey by the Chapel Allerton Residents Association showed that 85% of those surveyed did not want an Aldi on this site

The Panel in answering the questions raised within the officer report confirmed the principle of a retail development on the site was acceptable, and that they were satisfied that the layout presented by Aldi (i.e. store to the rear) was appropriate in urban design terms provided that an improved interface with the public realm was brought forward which could include improved landscaping. Also, that the boundary wall is high quality with stone required and that Members expressed a preference for the 3rd option (stone with pitched slate roof) in terms of the design of the store.

Panel also confirmed that the developers should provide a pedestrian refuge at the access road and that additional contributions should be sought towards improvements to the public realm for the benefit of Chapel Allerton town centre through a S106 Agreement. There was a question mark as to whether 77 car parking spaces was enough on the site but that a car park management plan would be required – the provision of car parking which was free for shoppers and which would act as a town centre car park was welcomed but there would need to be restrictions on the length of use to prevent it becoming a commuter long stay car park.

153 Date and Time of Next Meeting

Next meeting will be held on Thursday 10th March 2016 at 1:30pm



Originator: J.Bacon
Tel: 0113 2224409

Report of the Chief Planning Officer

Plans Panel North and East

Date: 10th March 2016

Subject: APPEAL by Mr Darren Hirst against the decision of Leeds City Council to refuse planning permission for the erection of nine self-contained flats at Trust Office, Sutton Approach, Killingbeck, Leeds LS14 (Ref: 15/00737/FU).

The appeal was dismissed.

<p>Electoral Wards Affected:</p> <p>Killingbeck & Seacroft</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Plans Panel Members are asked to note the below summary of the contents of the appeal decision.

1.0 BACKGROUND:

1.1 The planning application was considered at Plans Panel North and East on 28th May 2015. Officers recommended that the application be refused on grounds based around the overdevelopment of the site resulting in harm to visual and residential amenity. Members resolved to accept the officer recommendation and the decision to refuse planning permission was issued on 29th May 2015.

2.0 MAIN ISSUES IDENTIFIED BY THE PLANNING INSPECTOR:

2.1 The planning inspector identified two main issues in this case.

- The effects of the proposal on the character and appearance of the area and;
- The living condition of future occupiers of the proposals with specific regard to outlook, privacy and amenity space.

3.0 SUMMARY OF COMMENTS BY THE PLANNING INSPECTOR:

Character and appearance

- 3.1 The Inspector observed that the area is characterised by semi-detached and terraced properties in an estate layout with small enclosed front gardens fronting onto the pavement, forming a consistent building line. The Inspector noted that rear gardens of properties back onto each other with the rear gardens of No.23 Sutton Approach and 2-10 Collin Road backing onto the appeal site. The Inspector considered the density of the existing estate is relatively low with a spacious feel and mature vegetation in the rear gardens.
- 3.2 The Inspector noted that the appeal site lies adjacent to some allotment gardens and a railway embankment, commenting that the mature trees lining the embankment added to the character of the area. Whilst over-grown the Inspector considered the site contributed to the open character of the area, affording views of the allotments and rear gardens of properties along Collin Road.
- 3.3 The proposal involved two separate blocks of flats situated one behind the other, with the front block facing Sutton Approach and rear block situated perpendicular to the properties on Collin Road. The inspector considered that the large rectangular footprint, together with the layout and orientation of the blocks, would be completely at odds with the prevailing building line and character of the area. The Inspector acknowledged that there is a variety of housing styles in Leeds, this particular estate has a consistent character which is locally distinctive, formed by small properties with enclosed gardens fronting onto the road and back to back larger rear gardens.
- 3.4 Furthermore, the Inspector opined that the relatively high density of the proposal, car parking requirements and the confined nature of the site would result in a high proportion of hard standing and built development to the detriment of the proposal's appearance which would appear cramped. Neighbourhoods for Living (SPG) was cited and indicates increased densities should not be at the expense of amenity and the quality of environment.
- 3.5 The Inspector noted that the appeal proposal would be highly visible from Sutton Approach which appeared to be regularly used by walkers to access the openspace beyond the railway line to the south. The proposal would also be visible in views between houses on Colin Road and highway visible to users of the allotment gardens.
- 3.6 The appellants' contention that a reduction in the density of the scheme would render the scheme unviable (due to abnormal development costs) was noted but remarked that whilst viability had been taken into account in the decision it does not justify the harm identified.

Living Conditions

- 3.9 The Inspector noted the disagreement between the appellant and the City Council regarding the amount of amenity space provided in that the appellant appeared to include all the areas of space around the sides of the flat blocks and an area to the front. The City Council excluded the small incidental areas of space and the area to the front (as it is not private) and the Inspector was minded to agree with the City Council's assessment as usability of the spaces provided must also be taken into account, not just the quantity.

- 3.10 The Inspector highlighted a particular concern that occupiers of the front flat block would need to cross a communal car parking area to access the shared amenity space situated to the rear of the other block and considered that this physical detachment would make it unlikely that residents of the front block would utilise this space.
- 3.11 The Inspector also raised concerns regarding the relationship of the communal amenity space to the proposed flats as some would be adjacent to bedroom windows, raising issues of privacy and noise and disturbance to those future occupiers of the flats. In addition, the centrally positioned car parking area immediately abutting the elevations of either flat block would result in future occupiers being subject to noise and disturbance associated with the communal car park and mean the quality of the outlook from habitable rooms being reduced as a result of cars being parked in front of windows.
- 3.12 The two letters of support were also noted but the benefits highlighted would not outweigh the significant harm to the character and appearance of the area and the living conditions of future occupiers.

Conclusion

- 3.13 The Inspector concluded that the proposal by virtue of the grain, layout, and orientation of the blocks and dominant areas of hard standing would be at odds with the prevailing pattern of development would be harmful to the character and appearance of the area. Furthermore, the proposed development would result in a substandard level of accommodation for future occupiers by virtue of insufficient amenity space together with issues of noise, disturbance and inadequate levels of privacy and outlook.

4.0 IMPLICATIONS:

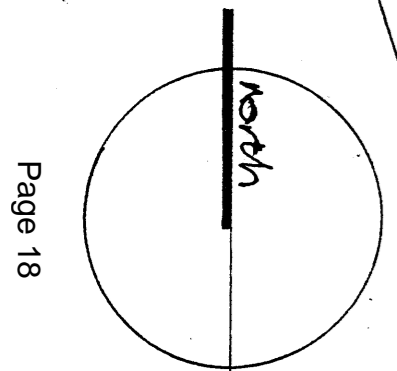
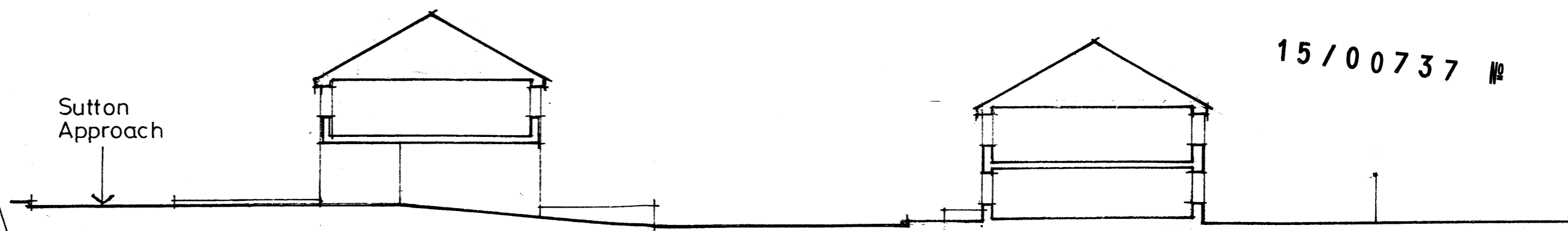
- 4.1 The appeal decision reinforces the importance for development proposals needing to respect local character and achieve high quality design as advocated within the City Council's policies and supplementary design guidance.
- 4.2 In addition, the appeal decision emphasises the importance for development proposals to contribute positively to place making and ensure the quality of life of future occupants is safeguarded in respect of providing suitable usable amenity space, adequate window outlooks and maintaining privacy from habitable windows (particularly in communal car parking and amenity space situations).

Background Papers:

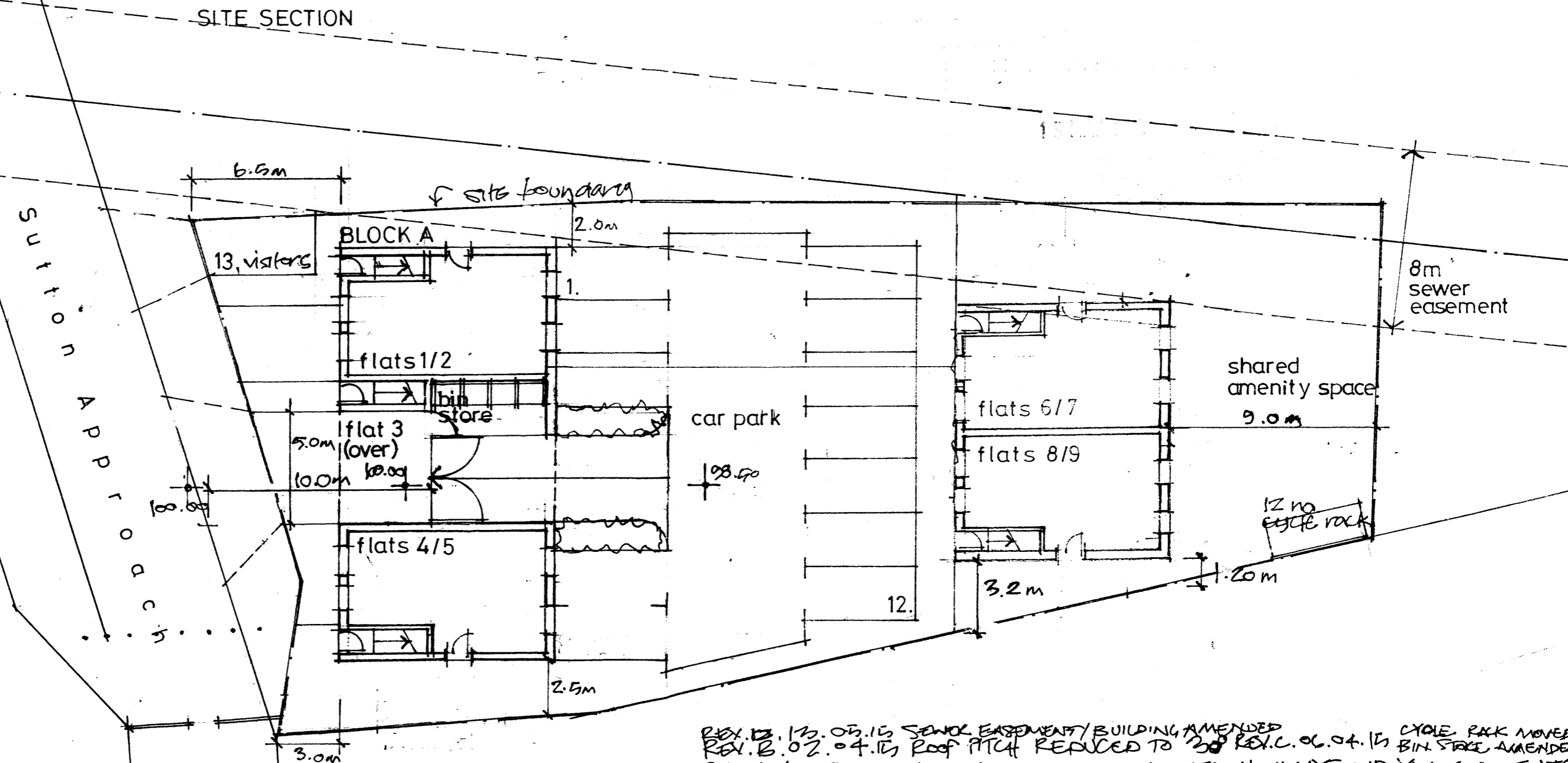
Planning Application File (Ref: 15/00737/FU)

Planning Inspector Decision Letter (Ref: APP/N4720/W/15/3063794)

15/00737 No



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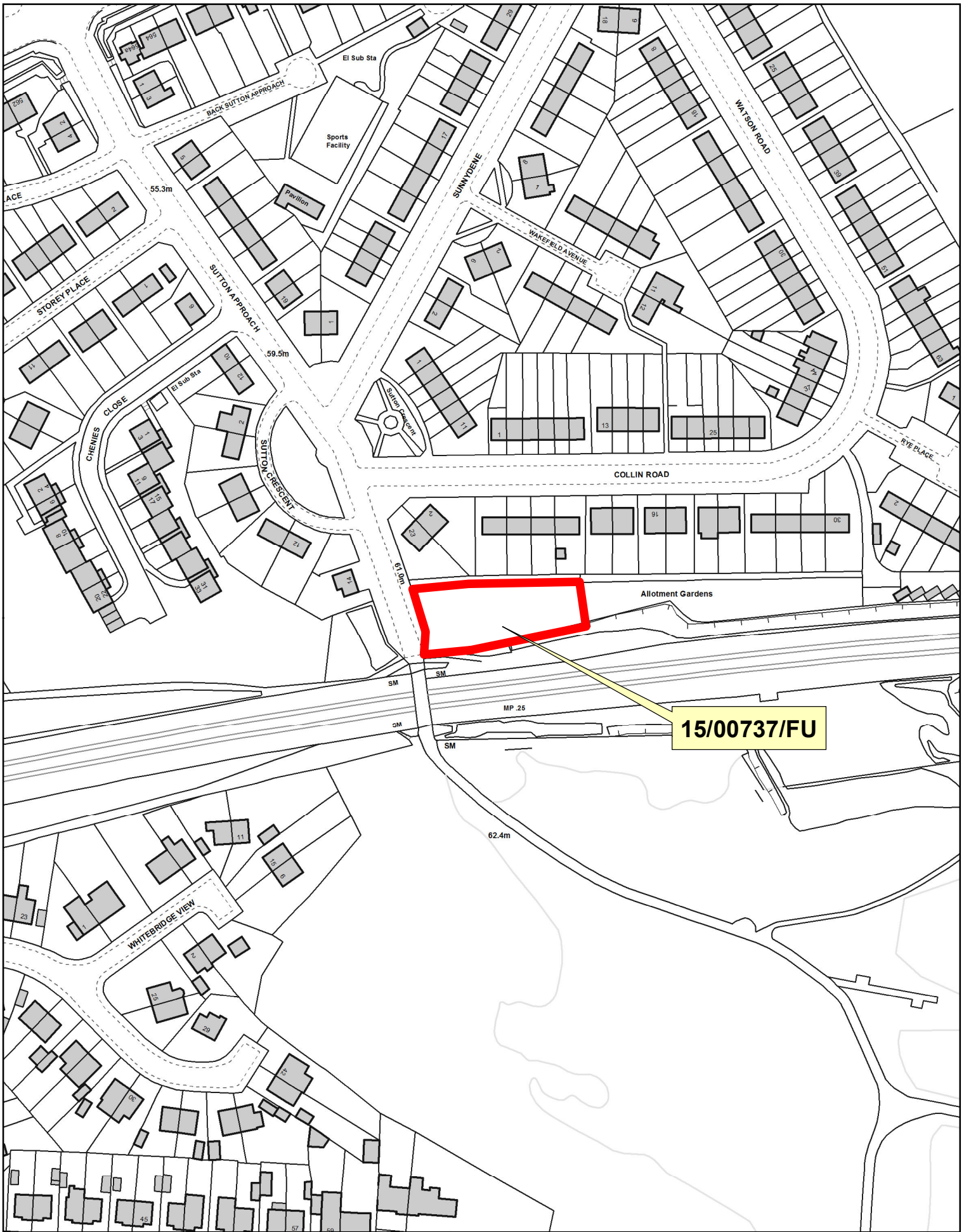


REV. D. 12.05.15 SEWER EASEMENT/BUILDING AMENDED
 REV. B. 02.04.15 ROOF PITCH REDUCED TO 30°
 REV. A. 10.03.15 LAYOUT AMENDED IN LINE WITH HIGHWAYS AND Y.W. COMMENTS
 REV. C. 06.04.15 CYCLE RACK MOVED
 BIN STORE AMENDED

DATE	JOB	SCALE
05.02.15	SUTTON APPROACH KILLINGBECK SCHEME B	1:200
David Jones Chartered Architect	DRAWING SITE LAYOUT	DWG. NO. 14.25.10

DO NOT SCALE FROM THIS DRAWING

CHECK ALL DIMENSIONS ON SITE BEFORE WORK COMMENCES



NORTH AND EAST PLANS PANEL



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Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 10th March 2016

Subject: 15/07176/FU – Removal of Condition 3 of planning approval (07/06083/FU) at Parkhill Farm, Walton Road, Wetherby, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Parker Estates	4 December 2015	29 January 2016

<p>Electoral Wards Affected:</p> <p>Wetherby</p> <div style="border: 1px solid black; display: inline-block; padding: 2px 5px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1.0 INTRODUCTION

- 1.1 The applicant seeks permission to remove Condition 3 of a 2007 permission to construct an agricultural building (07/06083/FU). Condition 3 effectively ties the building to its associated land so that it can not be separated.

- 1.2 The application is brought to Panel at the request of Cllr John Procter who is concerned with regard to a large number of agricultural buildings that have been converted to commercial developments in the area, leading to more agricultural buildings being erected to meet the needs of the remaining agricultural land. Cllr Procter is concerned that the removal of the condition will lead to this agricultural building also being converted to commercial development, and then a future application will be submitted by whoever is farming the associated land for a new agricultural building to meet the agricultural needs of the farm land, which would be difficult to resist.

2.0 PROPOSAL:

- 2.1 The applicant seeks permission to remove Condition 3 of a 2007 permission to construct an agricultural building (07/06083/FU). Condition 3 stated that;

The agricultural building hereby approved shall be used for agricultural use ancillary to the agricultural holding marked by the blue line on the approved Ordinance Survey map dated 27th September 2007 in perpetuity and shall not be severed from the land.

To ensure the building remains in agricultural use.

- 2.2 The condition ties the use of the agricultural building to the land that immediately surrounds the building. The applicant's supporting evidence suggests that the farm holding to which the barn was linked to, has now been sold to a third party with the applicant retaining control of the barn and access road. Due to the sale of the associated land, the link between farmland and the agricultural building has already been severed. The supporting document concludes that the sale of the land has left the applicant in a position of where the building cannot be put into any practical use and is in breach of planning permission.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on a small parcel of land which lies to the east of Wetherby, just to the south of Walton Road. The site is part of the former Park Hill Farm land and historically has had an agricultural use. An access road runs along the north of the land which essentially forms a second access point to the collection of businesses at Park Hill. Marsland Timber lies to the south of the site and Rose Dene Farm to the north, just to the other side of Walton Road. Agricultural land which was previously owned by the applicant lies to the east.
- 3.2 There is a very slight gradient within the area with the land falling away to the south. The area lies within the Vale of York and is characterised by open farmland within a gently rolling landscape. It lies outside the Leeds Green Belt and within Rural Land.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The red line plan which has been submitted with the application outlines an L-shaped piece of land which encompasses an access track and an area of hardstanding which contains the subject agricultural store. The Marsland Timber site lies to the south of the site which is owned by the applicant.
- 4.2 The land itself was once part of Park Hill Farm which has now been divided into several planning units and the buildings and associated parcels of land sold on. Former agricultural outbuildings have been converted into other uses and the two dwellings released from their agricultural occupancy conditions.
- 4.3 Following the disposal of the Park Hill Farm land and buildings the applicant has been granted consent for two further agricultural stores. One is currently present on the parcel of land linked to this application (ref: 07/06083/FU). The other is situated to

the south-west of the site between the old Park Hill Farm house and Park Hill Farm Cottage (ref: 10/03218/DAG). The store which is on the application land was granted consent in 2007. At the time of its approval the building was shown to be linked to the agricultural land to the east of the site which the applicant then owned. A condition was imposed which tied the use of the building to that land. This land has been sold by the applicant. The building remains within the applicant's ownership. The store to the land to the south-west was granted consent in 2010. No conditions were imposed which linked the building to a parcel of land. It is understood that the land and building have subsequently been sold.

- 4.4 An agricultural determination was submitted at the same time as the current application and was refused as the authority did not consider that it was reasonably related to an agricultural holding.
- 4.5 In 2013 an application (13/04063/DAG- Refused) was made on the application site for a detached store. This was refused on the grounds that the building was to be used for a holding located 1.3km to the north of the site and therefore was found to be in practical. A full application was subsequently submitted for the same development but was refused on similar grounds (13/04062/FU- Refused)
- 4.6 The applicant has approval for the construction of two agricultural storage buildings on Sand Beck Lane Wetherby (14/03111/FU and 14/03111/FU). Both of these applications were brought to Plans Panel and on 23rd October 2014 were refused by Panel Members on the basis that the proposed buildings would be out of keeping with the undeveloped character of the locality, and would thereby be harmful to visual amenity. The Refusals was subsequently appealed and the Inspector granted planning permission concluding that the proposal would not harm the character and the appearance of the area.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice which was posted 4th December 2015.
- 6.2 Wetherby Town Council objects to the scheme on the basis that this building may eventually be converted into a dwelling should the condition be removed.
- 6.3 1 letter of support received from the owner of the property and land adjacent to the application site. It is commented that the agricultural barn will provide for the storage of a variety of agricultural equipment that is required to maintain the applicants existing land holding. It is well designed and is sympathetic with the surrounding area.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 None

Non-Statutory

7.2 None

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), together with relevant SPGs and SPDs.

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
SP8 Supporting the growth and diversification of the rural economy, consistent with the Settlement Hierarchy...Support the retention and provision of new business start-up units including small workshops, where appropriate

8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
RL1: States that The Area of open countryside to the north of the River Wharfe is designated as Rural Land and is safeguarded in accordance with UDP Strategic Principle SP2 and other national and local planning policy guidance.

National Planning Policy

8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them.

9.0 MAIN ISSUES

- 9.1 1) Principle of Development/ Impact of removal of the condition
2) Public representations

10.0 APPRAISAL

Principle of Development/ Impact of removal of the condition

- 10.1 As has already been mentioned, the site is located to the east of Wetherby, outside the Leeds Green Belt and within Rural Land. There is a complicated planning history surrounding the previous Park Hill Farm and the subsequent disposal of its associated land and buildings in a piecemeal manner where agricultural buildings have been sold by the applicant without the associated farmland. This has led to a situation where the former farmyard is now an office park and further agricultural buildings have been granted and have been constructed to meet the needs of the agricultural land that still remains including the subject building which was approved in 2007.
- 10.2 The reason given for imposing Condition 3 was to ensure the building remains in agricultural use. Therefore, the assessment of this application can only justifiably focus on whether the removal of the condition would lead to the nature of the building changing. It is considered that the proposed removal of Condition 3, would not allow the applicant to use the building for any other purposes other than for agriculture. Therefore, it is considered that the proposed removal of the condition should be allowed. It is added that a separate planning application will be required should the applicant intend to change the use of the building, which will be judged on its own merits. Alternatively, the applicant could seek to change the use of the building under permitted development rights which is available under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015. However, a Prior Approval application will still be required to be submitted to the Local Planning Authority, which would be judged on its individual merits.
- 10.3 There is also a question mark over whether Condition 3 meets the established tests for imposing planning conditions that are set out in Paragraph 206 of the NPPF and that are more specifically elaborated within the Planning Practice Guidance. The NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted the condition also needs to be enforceable, precise and reasonable in all other respects.
- 10.4 In a recent Appeal Decision, where the Inspector allowed the erection of a grain store (Ref 14/03111/FU, dated 19 May 2014), the Local Planning Authority asked for a similar condition to be imposed which attempted to tie the building to its associated land. However, the Inspector concluded that such a condition would fail to meet the tests established within the NPPF. The Inspector with regards to the condition stated that;

The Council have suggested a condition restricting the use of the buildings solely in connection with the use of and in association with the farming of the adjacent agricultural land within the appellants' agricultural holding. Paragraph 206 of the Framework advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable. The appellants consider any alternative use of this building would be controlled by the local planning authority and consider a condition of this nature is unduly restrictive and fails to recognise the flexible agricultural use of such buildings. I note the Council's

concerns regarding the possibility of future severance of the buildings from the holding. However, I see no justification for the disputed condition in terms of development plan policies. Having regard to my conclusions above, I am satisfied that the proposed buildings meet an agricultural need and no further control beyond that is necessary. Thus, I consider that this condition is not reasonable or necessary taking into account the advice in the Framework.'

- 10.5 The Inspector's appeal decision adds further weight in favour of removing the condition.

Public Representation

- 10.6 The comments made by the Parish Council that the proposed removal of the condition would lead to the building being changed in use, is noted. This issue has been discussed in the report, and it has been concluded that the removal of the condition will not allow it to be used for any other purposes other than for agriculture without the submission of a further application.

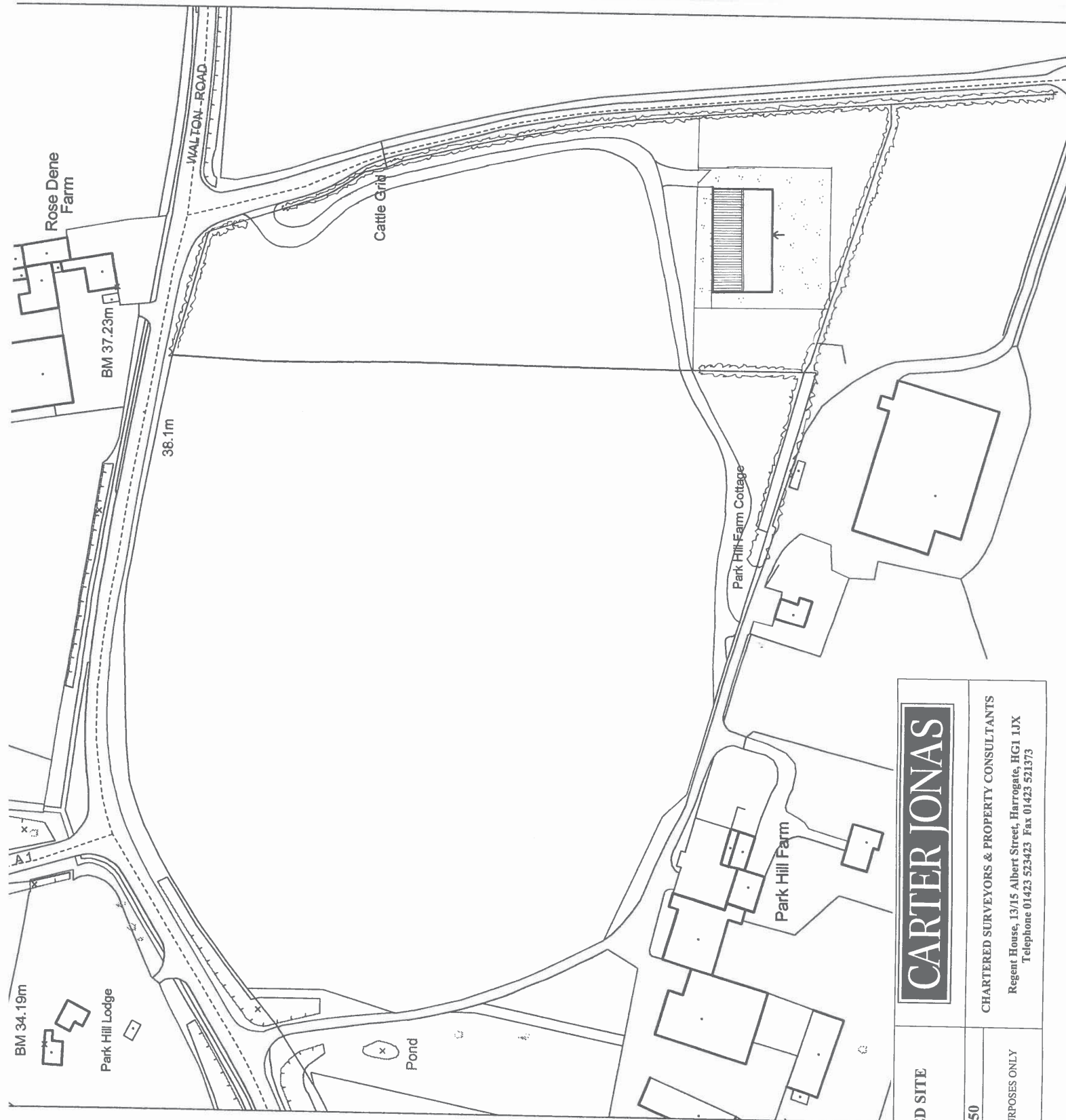
11.0 CONCLUSION

- 11.1 It is considered that the proposed removal of Condition 3, is acceptable and will not allow the building to be used for any other purposes other than agriculture. Therefore, it is considered that the proposal should be approved.

Background Papers:

Application files: 15/07176/FU

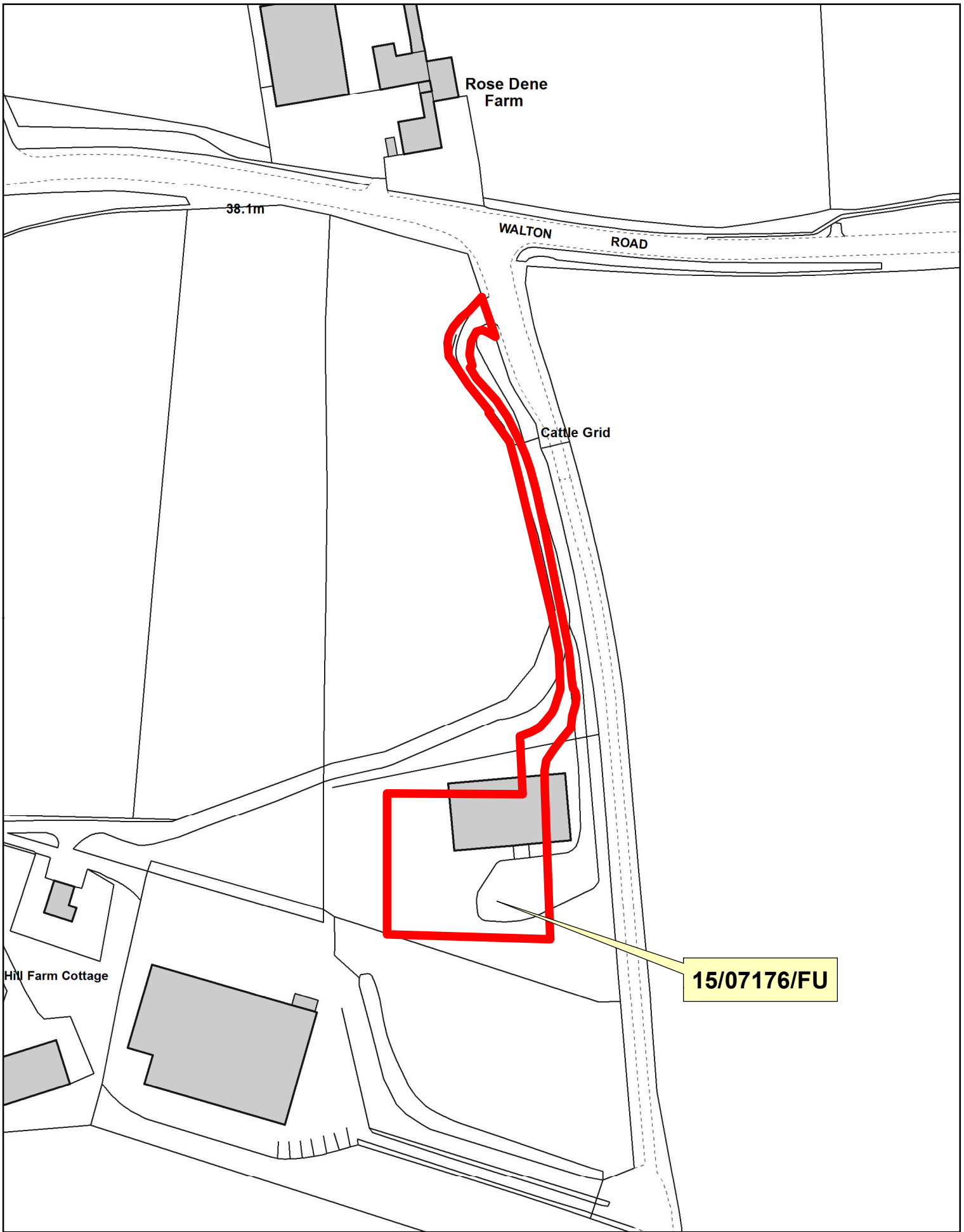
Certificate of ownership: Certificate A signed by the agent on behalf of Parker Estates14



CARTER JONAS

PARK HILL FARM - PROPOSED SITE LAYOUT

<p>Date: Sept 2007 Reproduced from/based upon the Ordnance Survey Map with the permission of the Controller of H.M. Stationary Office. Crown Copyright Reserved. Licence No. ES 7650/14</p>	<p>Scale: 1:1250 PLANNING PURPOSES ONLY</p>	<p>CHARTERED SURVEYORS & PROPERTY CONSULTANTS Regent House, 13/15 Albert Street, Harrogate, HG1 1JX Telephone 01423 523423 Fax 01423 521373</p>
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NORTH AND EAST PLANS PANEL





Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 10th March 2016

Subject: 15/05600/FU – Agricultural building at The Chalet, Scarcroft Grange, Wetherby Road, Scarcroft, Leeds.

APPLICANT

Mr Linter

DATE VALID

17th September 2015

TARGET DATE

12 November 2016

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE APPROVAL to the Chief Planning Officer, subject to the specified conditions below (and such other conditions as he may consider appropriate) and the submitted unilateral undertaking under S106 which commits to:

- a) ties the building in with the paddock
- b) restricts to use of the building to use in association with the property

In the circumstances where the undertaking has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit
2. Plans to be approved
3. Submission of details of materials
4. The local planning authority shall be notified where unexpected significant contamination is encountered.
5. Any soil or soil forming materials brought to site shall be tested for contamination and suitability for use.

1.0 INTRODUCTION

- 1.1 The application proposes the erection of an agricultural building which is located within the Green Belt, on the edge of the village of Scarcroft.
- 1.2 The application is brought to Panel at the request of Cllr Rachael Procter who raises concerns relating to whether a barn of this size and scale is reasonably necessary for the needs of this agricultural holding.
- 1.3 The application was first reported to 7th January 2016 Panel where Members resolved to defer consideration pending amendments to the design of the proposed barn, clarification on the timescales for the appeal relating to the unauthorised access track and confirmation of what arrangements were in place with the adjacent neighbour over access rights. Amended plans and updated information was subsequently provided at 4th February 2016 Plans Panel meeting. Members accepted this information but resolved to defer consideration pending the submission of a S106 agreement to ensure that the land is retained with the barn in the future and to prevent future conversion to a dwelling.
- 1.4 The applicant has submitted a S106 Unilateral Agreement that adequately ties the building with the paddock and ensures that the building can only be used for the purposes of agriculture.

2.0 PROPOSAL:

- 2.1 The application proposes the erection of an agricultural building. The proposed building would be located in the north western corner of the holding, close to the access road. The building measures 12.6m in length by 6.0m in width and approximately 6m in height. In terms of materials, it is proposed to be constructed using a coursed stone plinth up to 1m in height with vertical timber boarding above up to the eaves level. The roof would be constructed from metal sheeting.
- 2.2 The barn will be used to store equipment for the maintenance of 6 acres of land. Equipment such as a medium size tractor, trailer, roller, scarifier, spraying equipment, a lawn mower will be stored. General gardening equipment such as a strimmer, shovels and spades will also be stored within the building. At present the land is a meadow used for no particular agricultural business purpose. However, the intention is to establish an orchard and keep sheep and alpacas on the land in the future.

3.0 SITE AND SURROUNDINGS:

- 3.1 The applicant, who occupies the residential dwelling of The Chalet (located to the north of the site), also owns this 6 acres of agricultural land. The land is an open green field. There is an access track that runs along the western boundary of the site and leads down to the residential dwelling of The Barn. The application land was formerly owned by the previous occupants of Ashfield House to the North. Various land parcels within the area have been sold off. The site is located within the Green Belt. The Conservation Area boundary is located to the north of the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The application land was formerly owned by the previous occupants of Ashfield House to the North. With various land parcels within the area have been sold off over the years. The application site is now owned by the occupant of The Chalet, which

was once a modest bungalow within the Green Belt, but has been extensively extended and remodeled over the years. A replacement domestic double detached garage was recently approved within the garden area of the dwelling in (app ref: 15/00973/FU). The design of this garage was revised during the course of the consideration of the application as originally the applicant wanted to incorporate the storage of his agricultural equipment within that structure. Ultimately the garage was reduced in size to meet the domestic needs of the occupation of that property.

- 4.2 The access road that runs through the site leads to the residential dwelling of The Barn. This dwelling is a former stone built agricultural barn which was granted permission to form a dwelling on appeal (app re: 08/01601/FU). A new access running along the western boundary of the site of The Chalet was granted at the time of this permission. However, this access track was not implemented and an unauthorised access that runs along the north and east of the site was constructed. These are subject to an Enforcement Notice with the appeal pending. There has also been a large garage erected within the residential curtilage of The Barn to which the retrospective application has been refused and the appeal is pending (app ref: 15/01372/FU).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The original plans showed a stone built building with a slate roof, sited on the route of the approved access track leading to residential dwelling of The Barn. The Agricultural Surveyor raised concern that the barn was not of a conventional agricultural design and there was also a concern that the siting of the building would block the access track that runs through the site. The applicant has therefore revised the drawings to show an agricultural building which is much more appropriate in design terms. The building has also been re-sited so that it does not block the access track.
- 5.2 The applicant also extended the red line boundary to include a further 3 acres of land. The applicant stated that the original red line plan was inaccurate.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised as development affecting the character of a Conservation Area advertised in the Boston Spa Wetherby News 1 October 2015 and Site Notice was posted 1 October 2015. The application was re-advertised following revisions to the plan.
- 6.2 Scarcroft Parish Council comments that the building is not suitable for agricultural purposes and that a garage has been approved within the applicant's residential curtilage that should accommodate a tractor.
- 6.3 One letter of support received from the owner of the adjacent farm land which states that the agricultural building is well designed and will allow the applicant to store all such equipment that are required to maintain the agricultural holding.

7.0 CONSULTATIONS RESPONSES:

Statutory

- 7.1 None

Non-Statutory

- 7.2 Agricultural Surveyor raised the following concerns relating to the original barn;
- The design of the barn does not appear as a conventional agricultural building.
 - The barn should be sited closer to the access road and should not block it.
 - The application may be premature as reference is made to the purchase of a further 28 acres of land.
 - Some of the equipment that will be stored within the barn is domestic.
- 7.3 Since these comments were made revised plans have been submitted. These change the design of the barn so that it is of a more traditional form, it has been re-sited closer to the access road and the layout of the building has been annotated to show the nature of the agricultural equipment to be stored and how that will fit within the building.
- 7.4 Highways- The applicant should demonstrate the proposed means of access to the proposal, and the applicant's Red Line must be amended accordingly. The existing access route to 'The Chalet' is a private road that does not fully accommodate two-way passing of vehicles. Details of the level of proposed vehicle movements generated by the proposal should also be provided so that we can assess what impact the development would cause.
- 7.3 Land Contamination - No objection subject to conditions

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), together with relevant SPGs and SPDs.

Local Planning Policy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

P10 Seeks to ensure that new development is well designed and respects its context.

P11 Conservation

P12 Seeks to ensure that Leeds' landscape character is retained.

- 8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N33: Development the Green Belt.

N37: Special Landscape Areas

N37A: Development in the Countryside

BD5: Seeks to ensure new development protects amenity.

LD1: Seeks to ensure the quality of good landscaping.

National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. The following sections of the NPPF are most relevant to the consideration of this application:
- 8.5. 7 Requiring good design
 - 9 Protecting Green Belt land
 - 11 Conserving and enhancing the natural environment
 - 12 Conserving and enhancing the historic environment

9.0 MAIN ISSUES

- 1) Principle of Development/ Impact on Openness/ Design
- 2) Impact on Conservation Area
- 3) Highways
- 4) Public Representation

10.0 APPRAISAL

Principle of Development/ Impact on Openness/ Design

- 10.1 The site is located within the Green Belt and therefore attention should be drawn to the policies which are most relevant in this case. Saved UDP (Review 2006) Policy N33 states that, except in very special circumstances, approval will only be given in the Green Belt for certain categories of development including for agriculture.
- 10.2 The guidance within the NPPF sets of the main objectives of Green Belt policy as being:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;

- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 10.3 National planning policy in relation to the protection of the Green Belt is set out under Section 9 of the National Planning Policy Framework (NPPF). Paragraph 87 sets out that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF outlines the circumstances in which development within the Green Belt might be considered not inappropriate and Policy N33 of the UDP largely accords with these exceptions. The erection of building for agriculture is included as an appropriate form of development within the Green Belt.
- 10.4 It is considered that the building, which is proposed to be used ancillary to the agricultural needs of the associated 6 acres of agricultural land, falls within the definition of agriculture. At present the site comprises open fields and the building will be used for storing equipment including a medium size tractor and a trailer, which will be used to maintain the land. Therefore, it is considered that the proposed use will be related to the use of the land and is therefore an appropriate form of development within the Green Belt. A legal agreement has been submitted from the applicant which will tie the proposal in with the agricultural holding. This will mean that the building cannot be severed from the land and will remain ancillary to the agricultural use of the land.
- 10.5 Originally concerns were raised by Officer's and the Council's Agricultural Surveyor with regards to the stone and slate construction material and with regards to its design, which gave it much more domestic appearance. However, the plans have been revised to show a more simplistic structure which will be clad in wood and have a metal roof. The design of the building is now considered to be more appropriate for its intended use and will allow the building to tie in within this rural location.
- 10.6 Concern was also raised by the Agricultural Surveyor with regards to the building being too large for the size of the holding, and also suggested that the application may be premature on the basis of the applicant referring to the purchase of a further 28 acres of land. Following the comments made by the Agricultural Surveyor, the applicant claimed that the originally submitted redline plan was inaccurate and in fact the holding is 6 acres in size as oppose to the 3 acres originally shown. The applicant has thus revised the red line plan to correct the error that was made. It is considered therefore that the size of the building is a reasonable response to the size of the holding. The 28 acres of land referred to by the applicant, has not been considered as part of the determination process. Therefore, it is considered that the prematurity of the scheme is not an issue.
- 10.7 As the building is sited on the corner of the site close to the boundary and access track, will ensure that the proposal will not appear to encroach upon the more open green areas of the Green Belt. Furthermore, the proposal is of a reasonable size and of a design which is typical of other agricultural buildings that are found within the Green Belt all over Leeds. Therefore, it is not considered that the proposal will have an adverse impact upon the openness or the character of the Green Belt.
- 10.8 On the whole, it is considered that the proposals agricultural building is an appropriate form of development within the Green Belt and will not harm its openness or character. The proposal therefore complies with saved UDP Policy N33 and with

Paragraph 89 of the NPPF.

Impact on Conservation Area

- 10.9 The Conservation Area boundary lies to the north of the site. It is considered that the proposal will not be particularly visible from areas within the Conservation Area. It is of a typical agricultural size and design which will allow it to tie in with its rural setting. Therefore, it is not considered that the proposal will harm the character of the Conservation Area.

Highways

- 10.10 The Highways Officer comments that the applicant should demonstrate the proposed means of access to the site and that the applicant's Red Line must be amended accordingly. Whilst the applicant has not fully indicated the access road, it is clear that the site can be accessed through the applicant's own dwelling which is indicated within the blue line. In terms of how the equipment will be brought in to the site, this is an issue for the applicant. The equipment that will be stored within the site will be for purposes relating to the maintenance of the land and will not serve a business purpose. Once the equipment has been brought into the site there will be little need for regular trips in and out of site. Therefore, it is considered that detailed access arrangements are not required in this instance and the proposal will not raise highway safety issues.

Public Representation

- 10.11 The comments made by the Parish Council the building is not suitable for agricultural purposes, has been discussed in the report. It is considered that the proposal will be used ancillary to the agricultural needs of the site and is therefore acceptable.
- 10.12 The comments made that a garage was approved within the applicant's residential curtilage that should accommodate a tractor, is noted. It is considered that the garage that was approved is not of a size or scale that would allow a tractor to be accommodated.

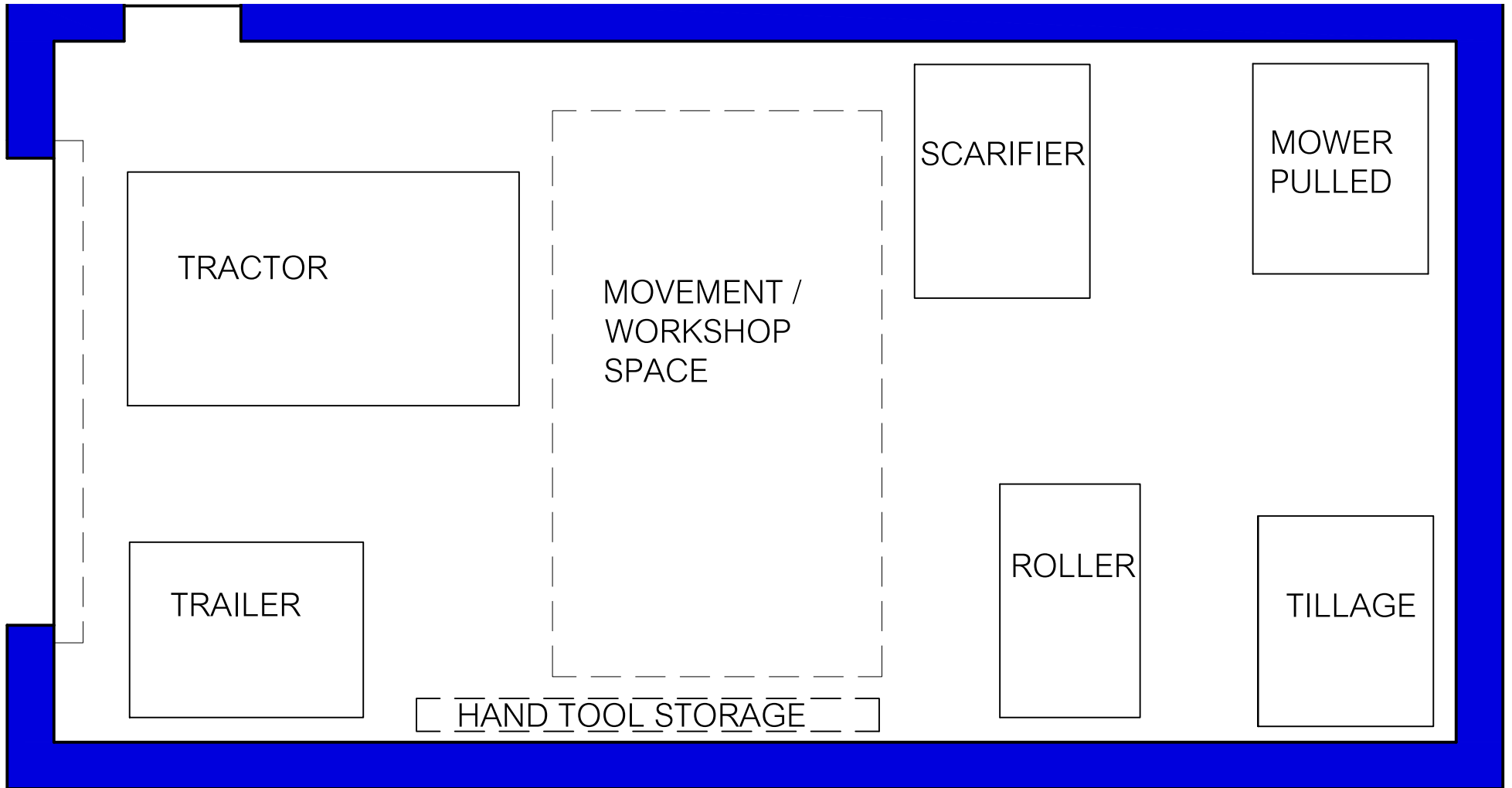
11.0 CONCLUSION

- 11.1 It is considered that the proposed agricultural building is an appropriate form of development within the Green Belt and will not harm its openness or character. Furthermore, the proposal is of a design and scale which is appropriate in this rural location and therefore will not harm its character or adjacent Conservation Area. It has also been concluded that, due to the proposed building not being associated with a farming enterprise, Highway Safety issues will not be raised. Therefore, it is considered that the proposal complies with planning policy guidance and should be approved, subject to the conditions set out at the head of this report.

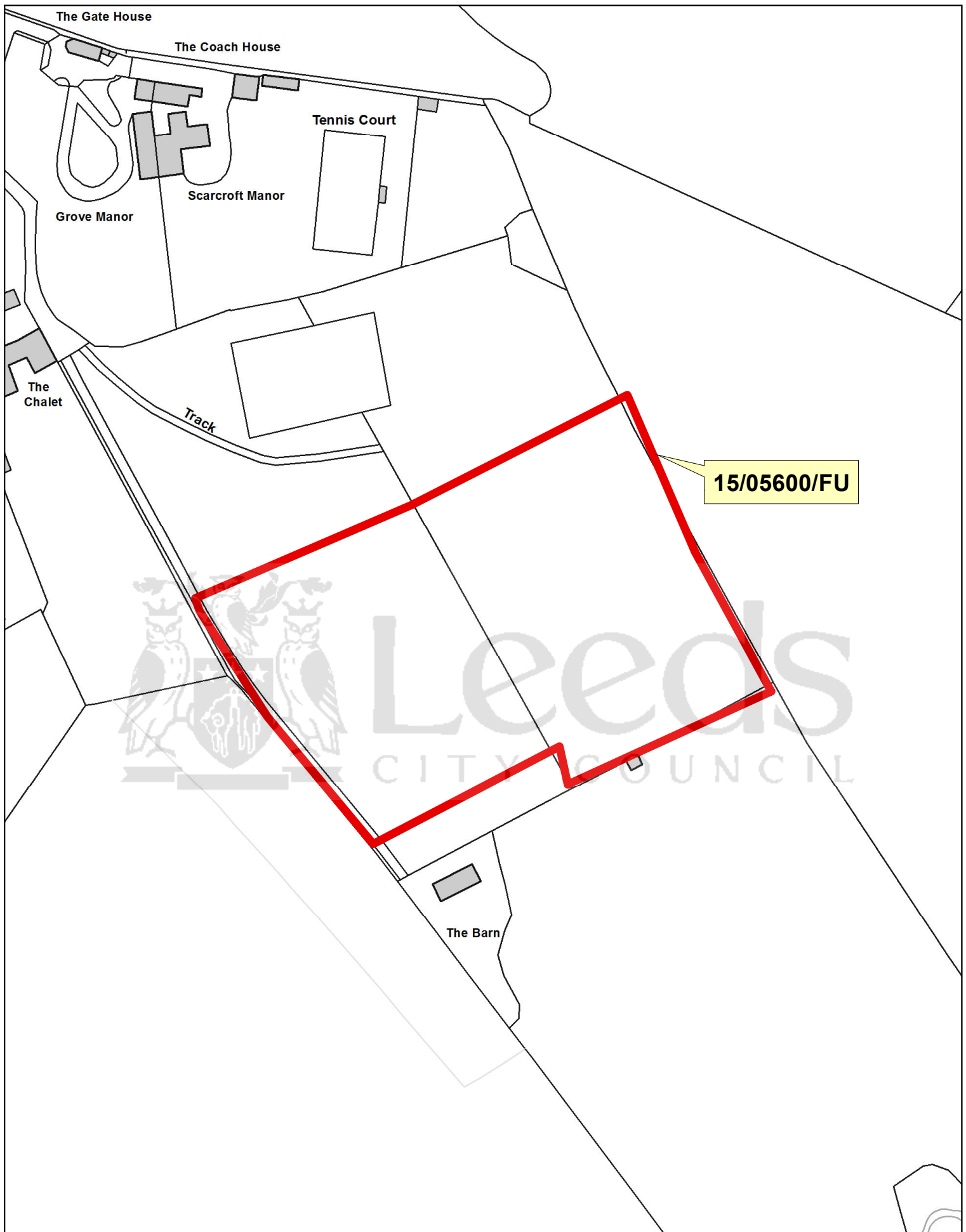
Background Papers:

Application files: 15/05600/FU

Certificate of ownership: Certificate A signed by the agent



MACHINERY LAYOUT PLAN
1:50 A4



NORTH AND EAST PLANS PANEL



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Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 10th March 2016

Subject: 15/07263/FU – Replacement fencing to part of site boundary at HM Prison Wealstun, Walton Road, Thorp Arch, Wetherby, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Homes and Communities Agency	4 th December 2015	29 January 2016

<p>Electoral Wards Affected:</p> <p>Wetherby</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Yes</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit
2. Plans to be approved
3. The fencing shall be green in colour
4. Details of a tree planting scheme to be submitted
5. Details of tree management scheme

1.0 INTRODUCTION

1.1 The application proposes to replace the boundary fencing to part of the site, which holds a protected play area designation. The application is brought to Panel at the request of Cllr John Procter who raises concerns in relation to the visual impact of the development.

2.0 PROPOSAL:

2.1 The proposal seeks to replace a 1.8m high chain link fence along the eastern boundary with an approximate 1.8m high paladin fence for the length of approximately

350m facing the highway. A 26m long chain link fence to the northwest boundary, next to an area of domestic garages, will also be replaced with a paladin fence. Up to three trees are proposed to be removed to enable the development.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located in the village of Walton near to Boston Spa. The site was formerly part of HMP Wealstun and was largely occupied by protected sports pitches. Currently the site is overgrown and not used for sport or recreation. There are a couple of spoil mounds that are now largely covered by hawthorn scrub. The site bounded by the prison to the south, residential properties to the west and north, and by an annex of the British Library to the east.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following comments from the Nature Conservation Officer, the applicant was asked to submit a report investigating the presence of badgers. Although, a potential badger set has been identified the survey concludes that the development will not be a risk to badgers.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site Notice Posted 18.12.2015. To date, no representations have been received.

6.2 **Thorp Arch Parish Council:** No objection, but states that the address sited on the application form is incorrect. The Parish Council highlights that the site is in Thorp Arch and not Walton. It is considered that the address sited is correct.

7.0 CONSULTATIONS RESPONSES:

Statutory

7.1 **Sport England:** No objection

Non-Statutory

7.2 **Nature Conservation:** Following the submission of a badger survey which concludes that the proposal does not pose a significant risk to badgers, the Nature Conservation Officer raises no concerns.

7.3 **Landscape Officer:** No objection to the number of trees proposed to be removed provided that additional trees are planted to compensate for the loss.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary

Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), together with relevant SPGs and SPDs.

Local Planning Policy

8.2 *The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:*

SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

P10 Seeks to ensure that new development is well designed and respect its context.

P12 Seeks to ensure that Leeds' landscape character is retained.

8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N33: Development the Green Belt.

N37: Special Landscape Areas

N37A: Development in the Countryside

BD5: Seeks to ensure new development protects amenity.

LD1: Seeks to ensure the quality of good landscaping.

N6: Developments on Protected Playing Pitch

National Planning Policy

8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. The following sections of the NPPF are most relevant to the consideration of this application:

- 8.5. 7 Requiring good design
- 11 Conserving and enhancing the natural environment

9.0 MAIN ISSUES

- Protected Play Area
- Visual Amenity/design and character
- Impact on neighbours
- Trees

- Representations

10.0 APPRAISAL

Protected Play Area

- 10.1 The site is designated as a protected Playing Pitch. Sport England comments that the '*proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site*'.
- 10.2 In light of the comments made by Sport England, it is not considered that the proposal will harm the amenity of the playing pitch and the way it functions. Therefore, it is considered that the proposal is acceptable in principle and complies with planning policy guidance.

Visual Amenity/design and character

- 10.3 The proposed fence will largely replace existing fencing which is similar in height. Although, there is a difference in the appearance, they are both designed to be functional, and the impact of the proposal on the visual character of the area will be similar to the existing. It is noted that the proposed fence is slightly more solid looking compared to the existing fence, but views through the fence will remain and some of its prominence can be mitigated by conditioning the fencing to be painted green in colour. This will allow it to blend in with its associated green fields. The largest and the most prominent section of the fence will front Street 5, which is an industrial area where there are examples of various different types of boundary treatment and a similar fence is present around the British Library which is located opposite the site. Therefore, it is considered that proposed paladin fence will not appear out of place when viewed from the industrial estate. The other sections of the replacement fences will not front the highway, and therefore its impact upon the character of the area will be neutral.

Residential Amenity

- 10.4 A small section of fence will be set close to residential dwellings. At 1.8m, it is similar in height to typical residential boundary fences or walls in the locality. Unlike, domestic boundary treatment, its open boarded design will offer views through. Therefore, it is considered that the proposal will be less prominent compared to typical domestic wall or fence. Therefore, it is considered that the proposal will not have an adverse impact upon neighbouring amenities by way of overshadowing or dominance. It is noted that a fence of this design is associated more commonly with commercial areas and is normally not acceptable in a residential area. However, the proposal being a replacement of an existing wire mesh fence of a commercial design, it is not considered that the visual appearance of the fence will be harmful to residential amenity.

Trees

10.5 The proposed development will result in three trees being removed. The Landscape Officer has assessed the scheme and has raised no concerns. The trees are not protected with a TPO and are immature younger specimens that do not appear prominent from the street. Therefore, it is concluded that the loss of the trees are not a concern and any harm resulting from the loss of the trees can be mitigated by planting more trees than the number that will be removed. Usually, the LPA will require three trees to be planted for every one tree removed. This requirement, it is considered, will sufficiently compensate for the loss of three trees. Therefore, it is considered that the proposed removal of the trees is acceptable, provided that a condition is imposed requiring new trees to be planted within the site.

Nature Conservation

10.6 The Badger Survey reveals that the proposal does not pose a risk to badgers that may be using the site and therefore the proposal raises no nature conservation issues. The Nature Conservation Officer has assessed the scheme and has raised no concerns.

Public Representation

10.7 The comments made by the Parish Council that the address of the site is noted. The site is Walton Road in Thorp Arch.

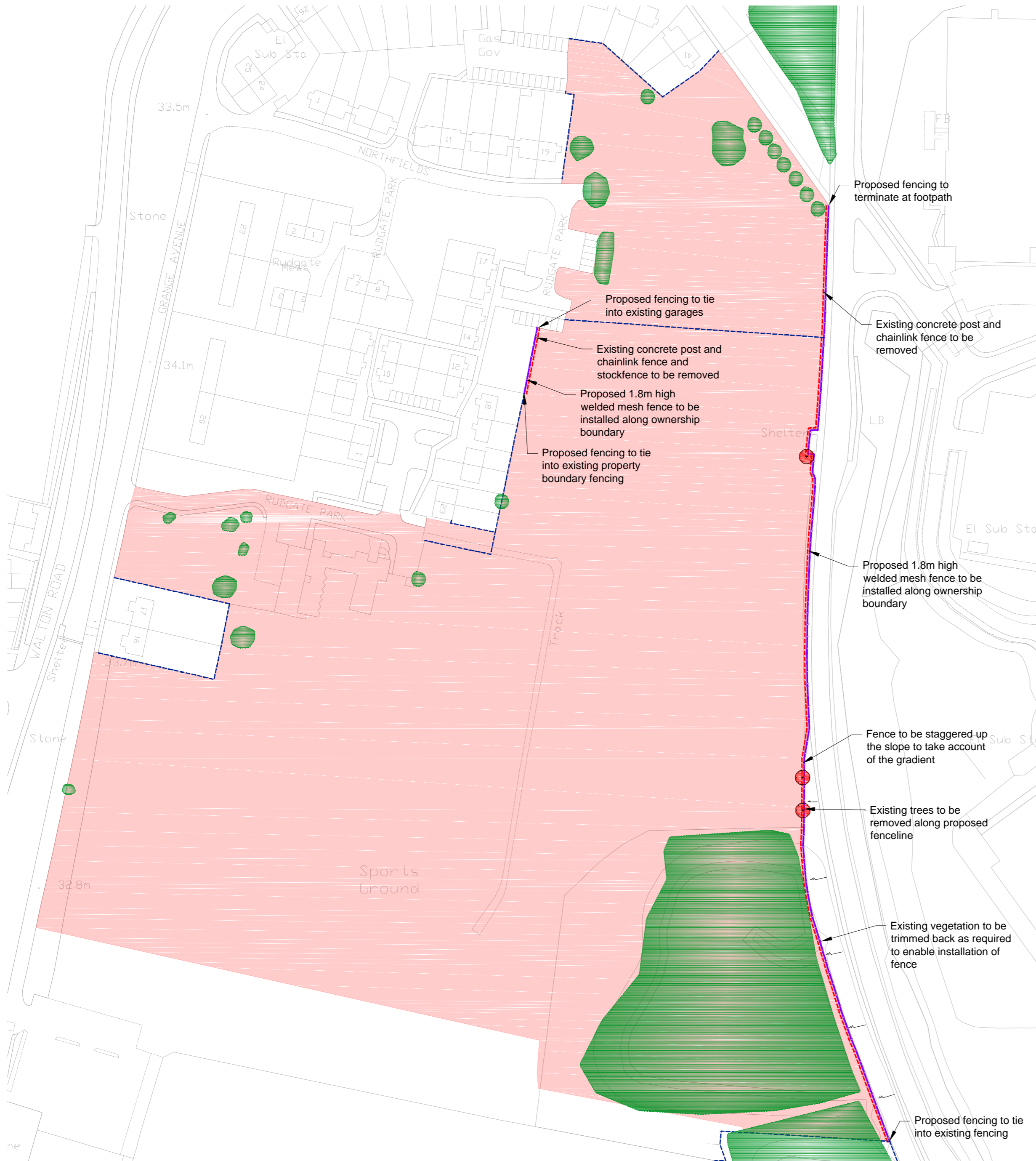
11.0 CONCLUSION

11.1 It is considered that the proposed fence will not have an adverse impact upon the quality of the playing pitch or upon the character of the area. It is considered that the visual harm caused by the removal of trees can be mitigated by replacement planting. The Nature Conservation has also raised no issue in terms of the development affecting badger. Therefore, it is considered that the proposal complies with planning policy guidance and it is recommended that planning permission should be granted, subject to the conditions set out at the head of this report.

Background Papers:

Application files: 15/07263/FU

Certificate of ownership: Certificate A signed by the agent on behalf of Homes and Communities Agency.



Key

- Contract boundary
- Existing**
- Fencing (inc. gates) to be retained
- Fencing (inc. gates) to be removed
- Trees / Vegetation (indicative)
- Slope
- Proposed**
- Trees / Vegetation to be removed
- 1.8m Welded mesh fence (ground fixed)
- Fixed timber bollard

- Notes**
- General**
- Exact line of fencing positions to be agreed on site prior to installation with the Contract Administrator.
- Installation**
- Contractor to allow for ground and plate fixing to suit site requirements.
 - Contractor to allow for post length and panel width reduction to suit fence layout and site conditions.
 - Contractor to allow for additional posts as required.
 - Contractor to allow for hand digging within root protection areas.
 - Contractor to allow for removal and disposal of redundant timber and concrete fence posts within the contract area.

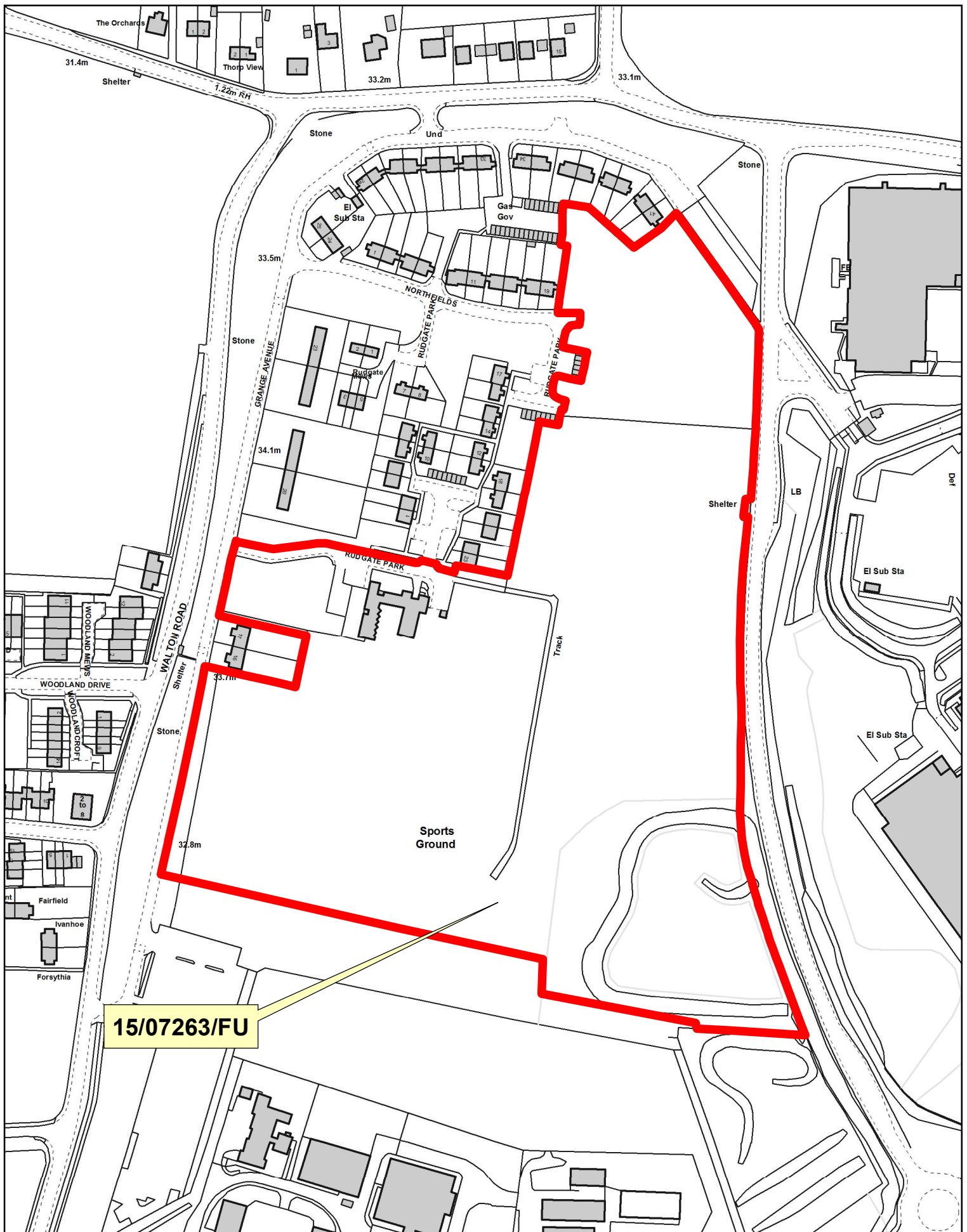


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Rev	Description	Drawn	Approved	Date
A	Proposed bollards omitted	RJC	LC	17.11.15

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Project	
Wealstun Fencing Contract	
Title	
Boundary Treatment Layout Proposals	
Drwg No D5060.Pcment.WealstunFence.001A	
Scale SEE DWG @ A2	Date 04/09/15
Drawn RJC	Checked AP
Approved AMG	



NORTH AND EAST PLANS PANEL



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