

NORTH AND EAST PLANS PANEL

THURSDAY, 1ST DECEMBER, 2016

PRESENT: Councillor N Walshaw in the Chair

Councillors R Grahame, G Wilkinson,
B Cleasby, S McKenna, P Wadsworth,
S Arif, C Dobson, S Hamilton, K Ritchie
and R Procter

SITE VISTS

The Site Visits in the morning were attended by Councillors Walshaw, Grahame, Wilkinson, Hamilton and Ritchie

87 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

88 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

89 Late Items

There were no late items.

90 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

91 Apologies for Absence

Apologies had been received from Cllr. John Procter.

Cllr. Rachael Procter attended the meeting as substitute for Cllr. John Procter.

92 Minutes

RESOLVED – That the minutes of the meeting held on 3rd November 2016 be confirmed as a correct record subject to the following amendment:
Minute no. 85 page 8 of the agenda, to include reference to a separate access point at Margaret Avenue.

93 15/06002/FU - DEMOLITION OF EXISTING MILL BUILDINGS AND CONSTRUCTION OF 228 NEW APARTMENTS IN 5 BUILDINGS AT HILLTOP WORKS, BUSLINGTHORPE LANE, CHAPEL ALLERTON, LEEDS

The Chief Planning Officer had submitted a report which asked Members to consider the demolition of existing mill buildings and construction of 228 new apartments in 5 buildings at Hilltop Works, Buslingthorpe Lane, Chapeltown, Leeds.

The report had been brought to Plans Panel on 30th June 2016 a copy of that report was attached at appendix 1 of the submitted report.

Members were advised that the proposal had one significant difference to the proposal as it now incorporates a single vehicular access point at the western end of the site this change had led to other implications which were summarized at 2.3 of the submitted report.

Members had previously aired concerns with regards to the flats that would be facing the stone wall along Buslingthorpe Lane. Members were advised that this would form part of the garage area and that occupants of the flats nearby would see a lower wall which was deemed to be more suitable.

The development would have 228 new apartments of which 12 would be affordable. The Panel noted that 5% was deemed as adequate for affordable housing and was compliant with policy. Members discussed the percentage of affordable homes on similar new developments across the city.

It was also noted that the developers would need to consider whether the affordable homes would be exempt from maintenance charges or added to costs. This would form part of the conditions.

Members sought clarification on accessibility for emergency vehicles and how free flow of vehicles would be stopped across amenity space.

Members were happy that the architects and the developers had taken in to consideration the suggestions and concerns and had worked on them including the lowering of the wall. Members welcomed development in this area and were of the view that investment in this area was long overdue.

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to conditions set out in the submitted report and the prior completion of a section 106 Agreement and:

- a) Agreement on Service Charges for the affordable homes.
- b) A letter to be sent to Cllr. Lewis, Executive Member for Regeneration, Transport and Planning, to request a review on the percentage of affordable housing within new developments.

94 16/02759/FU (POSITION STATEMENT) DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE TO INCLUDE A1 DISCOUNT FOODSTORE, THREE UNITS FOR A1 NON FOOD RETAIL OR A5 USES, ONE A3 UNIT AND ERECTION OF 10 COMMERCIAL UNITS FALLING WITHIN USE CLASSES B1, B2 AND B8 AT BUSLINGTHORPE MILLS, EDUCATION ROAD, LS7 2AP

The report of the Chief Planning Officer provided a position statement and requested that Members noted the demolition of existing buildings and redevelopment of the site at Buslingthorpe Mills, Education Road, LS7 2AP.

The Panel were advised of a couple of typos within the submitted report as follows at:

- Para 2.1 should read 4 retail units not 5
- Para 2.7 and 10.22 should read a maximum gradient of 1:11.7 rather than 1:10
- Para 7.8 needed updating to say that a suitable flood risk assessment had been submitted and was considered acceptable for the proposed development

Members were informed that the redevelopment of the site would include A1 discount foodstore, three units for non-food retail or A5 uses, one A3 unit and the erection of 10 commercial units falling within Classes B2 and B8.

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

Members were advised that servicing for the units would be off Education Road with adequate parking for a couple of HGV's. Highways had requested that the B1 units be recessed to allow parked vehicles to leave in a forward gear.

The retail development would sit on a steel structure to compensate for the difference in ground levels. The design approach had been guided by two aspects, the retail part, seeks to provide tribute to the mill type industry that originally occupied the site and the design of the proposed industrial buildings which sit at the lowest part of the site. The retail units would be of mainly red brick with large window frontage. The service units would be designed with a traditional 'saw tooth' roof scape as a result of comments from Historic England to reflect industrial England and would also address security concerns.

Members noted that the follow:

- The development had taken into account the comments of Historic England in the design to reflect the character of industrial England
- The development was fully compliant with LCC policy in relation to flood risk management
- This was the redevelopment of a brownfield site
- Employment at the site would be taken from the local area

- The site had good links for roads, buses and footpaths would be provided to link the surrounding area and the new residential development at Hilltop, Buslingthorpe Lane.

The agent for the developer Scarborough Group International was at the meeting and addressed Members questions as follows:

- The steel structure would be of a set standard and robust enough to last. The structure would be covered but allow the free flow of water to alleviate the risk of flooding
- The car park would be slightly higher to alleviate the risk of flooding

Members asked that the developers take into consideration the following suggestions:

- The need for pedestrian access
- The use of photovoltaic panels
- Traffic queuing at the signalised junction of Buslingthorpe Lane and Scott Hall Road.
- Pedestrian crossings
- For the use of slate or similar not steel on the retail units
- Parent and child parking to be identified on drawings which returns to Panel
- Details of external lighting to be provided when returns to Panel

RESOLVED – That Members noted the report and provided the following answers and comments in relation to questions set out at point 11.0 of the submitted report:

1. Members agreed with the principles of the mix of development shown on the submitted drawings
2. Members had provided comments in respect of the proposed layout and design of the buildings and had been minuted.
3. Members requested that there be limited signage on the roadside and suggested that the signage be sensible and proportionate and not illuminated.
4. Members were of the opinion that access points were acceptable and sensible.
5. Members were of the view that more details and information would be needed when the scheme comes back to Panel on the acceptability of the proposed A5 use and its effect on the level of car parking.
6. Members agreed that the scheme for both the retail and the industrial part of the scheme should provide Electric Vehicle Charging Points and that these should be indicated on the submitted drawings prior to final determination of the application

95 16/06387/FU - REPLACEMENT DETACHED HOUSE WITH BASEMENT GARAGE AT 7 BRACKEN PARK, SCARCROFT, LEEDS, LS14 3HZ

The Chief Planning Officer submitted a report which requested Members to consider the application for the replacement of a detached house with basement garage at 7 Bracken Park, Scarcroft, Leeds, LS14 3HZ.

Members were advised that an application for this site, seeking permission to raise roof height of main existing dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof plane and create living space in roof was brought to Panel on 9th April 2015 at the request of Cllr. Rachael Procter who had expressed concern at the impact the proposal would have on the adjacent property, 9 Bracken Park and the character and nature of the area. This application was approved by the Panel.

It was noted that Cllr. Procter heard this application with an open mind.

An objection had been received from the neighbours at 9 Bracken Park.

Members were advised that this current application was close to proposals already granted. The proposal was to demolish the existing dwelling and replace with a new build detached house with a basement garage. The front elevation was of traditional appearance with window openings of traditional proportions and arrangements. The whole house was to be constructed from stone with a slate roof. The rear elevation differs in appearance in that it incorporates large areas of glazing and three small flat roof dormers sit on the rear facing roof slope. The proposal also includes a basement garage to the rear of the property and to be set under and within the footprint of the main house. Members were also advised that an additional condition to secure a heated ramp to basement garage was proposed.

Members noted that the drawings included the trees with warning signs were TPO and not to be harmed.

Members attention was drawn to 10.17 and 10.18 of the submitted report which related to highway safety. Members were informed that in regard parking and highway safety the application complied with policy.

The Panel discussed the issue of parking and Members expressed concerns as to the future use of the basement garage. Members were advised that a condition could be added to restrict Permitted Development of the basement garage. However, it was not encouraged as to do so would be taking away the rights of the householder.

Members were informed that Planning had recently received a slightly revised version of the proposals showing more hardstanding to the rear of the property to ease access to the garage, and an improved ramp gradient to the west of the dwelling.

RESOLVED - That Members granted the application as recommended subject to the conditions set out in the submitted report, an additional

condition regarding the heating of the access ramp and the revised hardstanding and ramp details.

96 16/03101/FU - CHANGE OF USE AND EXTENSION OF BUILDING FROM A WORKSHOP AND STORAGE TO A COMBINED HEAT AND POWER PLANT AND THE STORAGE OF FUEL AT MOOR LODGE CARAVAN SITE, 103 BLACKMOOR LANE, BARDSEY, LEEDS

The submitted report of the Chief Planning Officer outlined the change of use and extension of building from a workshop and storage to a combined heat and power plant and the storage of fuel at Moor Lodge Caravan Site, Bardsey, Leeds.

The application had been brought to Panel at the request of Cllr. Procter who raised concerns relating to the potential noise and pollution issues on neighbouring residents and issues of traffic relating to the deliveries of fuel.

It was noted that 8 letters of objection had been received which raised concerns in relation to development in the Green Belt and traffic issues. The Parish Council had also raised concerns about the application.

The Panel were shown photographs and slides of the site.

Members were informed that the proposal was to change the use and extend the existing storage building on the site and to install a flue. The extension was to facilitate the installation of an ArborElectroGen 45 Combined Heat and Power Unit. The energy generated would be used to service the applicant's caravan park.

Members were informed that the nearest garden was 53 metres away and that the emissions from the flue were not considered as harmful.

Waste from the site would be collected 4 times per year and it was not thought that this would cause traffic issues.

The Panel were advised that this type of burner was not linked to pollution and if it was to go ahead it would be only the second of its type in Leeds. It was noted that Harewood House had a biogas fuel burner.

Cllr. Cleasby expressed his concerns about the biogas fuel burner informing the Panel that there was one in his ward which had raised complaints from residents within the area. He said that due to the complaints he had passed on his concerns to the Medical Examiner in relation to harmful pollution and noise.

The Panel noted that this particular area of Bardsey was not in a smoke protection area.

It was not known what height the chimney would be. However, Members were assured that it would be of sufficient height to take waste away from the site and would be covered by policy as used in Germany.

The Environmental Health Officer explained the process of a submission to DEFRA.

Members had a number of concerns as follows:

1. The Harewood House biogas fuel burner was different as it was set in an isolated area not near houses
2. What would the electric generated be used for?
3. What would happen when the site was not used during the winter months?
4. What is burnt per hour and what is generated?
5. Height and impact of the flue
6. Size of the vehicle to take the waste?

Mathew Dowley representing Moor Lodge Caravan Park was available at the meeting to answer questions. He informed the Panel of the following:

- This was new technology from Finland
- There are currently 40 of these burners across England some of which are in smoke controlled areas
- The burner breaks down the wood to produce clean gas. It is the gas that is burned. It is 93% cleaner than natural gas
- The biogas fuel burner is supported by Ofgen
- The log cabins on the caravan site would use the electricity produced
- Some of these biogas fuel burners were located in London
- G50 grade woodchip would be used in the burner
- Highlighted 10.17 of the submitted report which provided details of an assessment by the Environmental Protection Team

RESOLVED – The Plans Panel resolved to defer the application for 1 cycle for more information to be gathered in respect of the operation of the unit and emissions from it.

97 15/06569/FU -CHANGE OF USE OF DWELLING, LAND AND OUTBUILDINGS USED FOR FISH FARM TO USE AS A SINGLE DWELLING WITH GARDEN AND DOMESTIC OUTBUILDINGS , INCLUDING THE REMOVAL OF CONDITION 3 OF APPROVAL I 33/336/03/FU, 47 THORNER LANE, SCARCROFT

The report of the Chief Planning Officer asked Members to consider an application for the change of use of dwelling, land and outbuildings used for a fish farm to use as a single dwelling with garden and domestic outbuildings, including removal of condition 3 of approval 33/336/03/FU, 47 Thorner Lane, Scarcroft.

Members had previously visited the site. The Panel were shown photographs and slides.

One objection had been received which was set out at 6.1 of the submitted report.

Scarcroft Parish Council had made comments to the Council which were set out at 6.2 of the submitted report.

Members were advised that the site was located in the green belt and had a lengthy planning history which was listed at 4 of the submitted report.

The proposal was to change the use of buildings formerly used for fish farming to domestic use and to remove the condition on the dwelling which restricted occupancy to those employed by the business. This would result in the use of the application site as a C3 dwelling with unrestricted occupancy. The application also proposed the change of use of land to form a domestic garden and the infilling of the central pond to facilitate the new use.

Members were informed that the applicant had invested a large sum of money but unfortunately the fish farm was not viable as a business.

The Panel heard from Dr Wilson a neighbour she informed the Panel of her concerns as follows:

- This would be inappropriate development within the Green Belt
- There would be a loss of habitat and an increase in biodiversity
- The dwelling was a five bed property which would accommodate a large family
- To infill the ponds would require a large vehicle which would damage habitats.
- Dr Wilson was of the view that there had never been a fish farm business on the site
- Condition 3 in relation to occupancy would limit the amount of people that would be able to occupy the land

The applicant addressed the Panel explaining that he had bought the business in good faith investing large sums in new stock. Some of this stock was sold and some kept for breeding. Many of the fish died and it was deemed that the quality of the water supplied to the ponds from the beck was the cause. The water from the beck had been tested and was found to contain ammonia.

Cllr. R Procter told the Panel Members that she wished for the middle pond to be filled for reasons of health and safety.

The applicant explained that when the house had been sold at auction it was noted that the land came with an arterial spring. However, this did not appear to be true and the only water that could be used to fill the ponds was the water from the beck which was now contaminated. Members advised that the water would not be good until 2023.

The applicant told the Panel that he had made enquiries into other business options but with no success.

The applicant informed Members that the dwelling was solely for family use.

Members noted that the shed at the bottom of the garden would remain.

Members requested that the Environment Agency be informed of the presence of ammonia in the beck.

RESOLVED - The Panel resolved to defer and delegate approval to the Chief Planning Officer as set out in the submitted report.

98 16//05985/FU - RETENTION OF BOUNDARY FENCE AT HILL FOOT, WETHERBY ROAD BARDSEY LEEDS

The Chief Planning Officer had submitted a report which asked Members to consider a retrospective application for the retention of a boundary wall and fence at Hill Foot, Wetherby Road, Bardsey, Leeds, LS17 9BB.

Members were informed that the applicant had initially erected a wall and fence that was over 1 metre tall and adjacent to the highway. This was brought to the attention of the Planning Enforcement Team in April 2015 whilst still under construction. Against the advice of the Enforcement team to stop the work as the fence required planning permission the applicant continued to erect the fence.

Members had noted that an enforcement notice had been served. The applicant had appealed the notice only for the appeal to be dismissed.

The applicant informed Planners that the fence had been erected to protect his family as they had suffered racist attacks whilst living at the property and he also had young children.

The applicant had planted hedging and proposed to retain the fence for 12 months until the hedging had grown to a sufficient height. It was noted that the wall would be retained.

Members were informed that the Inspector had upheld the enforcement notice. Members wanted to know why the Inspector's report had not been appended to the application. Planning Officers said that this was not the normal practice usually the report would be summarised for Members. However, Planning Officers noted this request and said that it would be added to the agenda for the next Chairs Meeting.

Cllr. Wadsworth explained to the Panel that the hedging was yew and if the fencing stayed in situ then the yew would not grow properly and would become unsightly in 12 months.

Cllr. R Procter informed the Panel that Bardsey Parish Council wished all the properties along the A58 to have hedging as opposed to fencing to be in keeping with the character of the area. Members were told that this was included in the Neighbourhood Plan for Bardsey Village Design and Statement.

Members discussed the issue of Enforcement and the fact that the Inspector had upheld the enforcement action.

Mr Windress the agent for the applicant said that the applicant wished to keep the fence for 12 months to allow the planting to become mature and of a significant height.

He also told Members that the applicant had small children who liked to play in the garden and this would cause problems especially if they were playing with a ball.

Mr Windress informed Members that other properties along the A58 had fences.

Members were informed that the pillars need to be retained as they were for the gates.

Members were advised that the property two doors down did have a fence but that had been up for four years and therefore was not subject to enforcement action.

RESOLVED - That the Panel resolved not to accept the recommendation to grant planning permission and that permission be refused due to the fact that the fence by extent and design was harmful to the view of the area. The final determination of the application was deferred and delegated to officers to formulate the precise wording of the reason for refusal.

The Panel requested that the fence be removed within two months from the date of this Panel.

99 16/04922/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT SPENCER HOUSE HOLYWELL LANE SHADWELL LEEDS

The report of the Chief Planning Officer provided the Panel with information an outline application for residential development on land at Spencer House, Holywell Lane, Shadwell, Leeds, LS17 8EY.

The application proposes a residential development in the rear garden of Spencer House. The application was an Outline with means of access only requested to be considered.

It was proposed that access to the development and the existing house would be solely via Holywell Lane with pedestrian access only from Main Street.

Cllr. R Procter had requested that the application be brought to Panel due to concerns over the impact of additional traffic on Holywell Lane and the proposed Conservation Area designated within the site of the application.

Eight objections had been received and raised concerns on the following issues:

- More traffic in the area
- Impact of drainage with 3 more dwellings
- Impact of biodiversity

Members were shown photographs and slides of the proposed site. They were informed that the front curtilage would not be altered.

Members were advised of the following points:

- The Nature Conservation Officer said he was satisfied that habitat would not be harmed or that biodiversity was not an issue as the site was currently a manicured lawn. It was noted that only ornamental trees would be lost. The Conservation Officer was satisfied a scheme of up to 3 houses could be accommodated on the site without causing harm to the character and appearance of the area.
- In relation to drainage, flood risk management were of the view that a soak away would work well in this site.
- The Neighbourhood Plan does not wish for development to spread outwards. However, it is deemed fine for a few dwellings within the area but no more than three.

RESOLVED – That Plans Panel grant permission subject to the specified conditions set out in the submitted report.

100 15/06760/FU - THREE DETACHED HOUSES WITH DETACHED GARAGES TO VACANT LAND BETWEEN 11 AND 37 CHURCH DRIVE EAST KESWICK LEEDS LS17

The report of the Chief Planning Officer provided Members with suggested reasons to contest the appeal for 3 detached houses with garages to vacant land at land between 11 and 37 Church Drive, East Keswick, Leeds. LS17 9EP. Members were advised that a reason for refusal based upon the removal of kerbside parking for existing dwelling would be difficult to sustain.

Members were of the view that sufficient reason had been given for refusal that of an inaccuracy of the red line boundary. Members were advised that the current red line boundary was correct and in the ownership of the applicant.

Members were also of the view that the site was only suitable for two properties.

Cllr. Ritchie informed the Panel that he would be abstaining from this item as he had voted for the application when it was last at panel.

RESOLVED - That Members noted the report and agreed the suggested reasons to contest the appeal

101 APPLICATION TO REGISTER LAND AT GLEDHOW FIELD GLEDHOW PRIMARY SCHOOL ROUNDHAY AT A TOWN OR VILLAGE GREEN UNDER PROVISIONS OF SECTION 15(1) OF THE COMMONS ACT 2006

The report of the City Solicitor advised that on 4 August 2015 an application was submitted to Leeds City Council, in its role as Commons Registration Authority, for registration of land at Gledhow Field, Gledhow Primary School Roundhay as a town or village green under the provisions of section 15 (1) of the Commons Act 2006.

The council is legally obliged to consider applications as Commons Registration Authority.

The council as landowner and the governing body of Gledhow Primary School have objected to the application, together with approximately 350 individual objectors.

The purpose of this report was to set out the legal framework. A further report would be provided to Members with the recommendations of the Appointed Inspectors' findings after conclusion of the Non-Statutory Public Inquiry.

The Legal Officer outlined the process that this application would take.

RESOLVED – That Members of the Panel consider the relevant issues outlined in the submitted report and agree that a non-statutory public hearing be called and an independent inspector be appointed by the City Solicitor, with a view to undertaking an examination of the evidence submitted by the parties concerned and to prepare a report in relation to his/her findings for consideration at a future meeting of the Plans Panel.

102 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be held on Thursday 5th January 2017 at 1.30pm