

NORTH AND EAST PLANS PANEL

THURSDAY, 5TH JANUARY, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors J Procter, G Wilkinson,
B Cleasby, S McKenna, P Wadsworth,
S Arif, C Dobson, S Hamilton, K Ritchie
and E Nash

SITE VISIT

Councillors Walshaw; Nash; Hamilton; Ritchie; and, Wilkinson attended the site visits earlier in the day.

103 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

104 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

105 Late Items

There were no late items.

106 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. However, the Chair, Cllr. Walshaw informed the Panel that he knew Stuart Natkus the speaker for the application from an application in the Headingley ward.

107 Apologies for Absence

Apologies for absence had been received from Cllr. R Grahame. Cllr. Nash was present at the meeting as his substitute.

108 Minutes

RESOLVED – That the minutes of the meeting held on 1st December 2016 be confirmed as a correct record subject to the following amendments:

- a) Minute 97 – the description of the application was incorrect and should read as follows; Application 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 removal of condition 3 of approval 33/336/03/FU, 47 Thorner Lane, Scarcroft

- b) Minute 101 – 4th paragraph to include the following; A further report would be provided to Members with the recommendations of the Appointed Inspectors' findings after the conclusion of the Non-Statutory Public Inquiry.

109 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

Further to Minute 96 the report of the Chief Planning Officer provided Members with information requested at the meeting held on 1st December 2016.

Members had deferred this application so that more information could be provided in relation to the proposed Combined Heat and Power unit (CHP) to be installed at Moor Lodge Caravan Park.

The information was set out at paragraphs 1.4, 1.5, and 1.6 in the submitted report. It related to the process, the amount of power to be generated and emission levels.

One objection letter had been received from Chris Finn on behalf of a number of local residents. Mr Finn was at the meeting and informed the Panel that the site would require the installation of a District Heating Scheme to distribute the heat produced by the power plant to the house, shower block and workshop. He said that the distance between the shed where the CHP was to be located and the buildings to be heated would not make the system efficient.

Mr Finn said that he had read a document by The Green Consultancy which questions the use and efficiency of CHP systems. This document had been submitted with the letter of objection.

Mr Finn expressed his view that the proposed size of the CHP could provide power to 300 plus homes and had concerns that the unit was being installed to produce more energy than was required by the site in order to sell to the National Grid.

Mr Dewar the DPA Planner attended the meeting along with Matthew Dowley from the company that supplies ArborElectroGen systems.

Members were informed that this particular CHP unit was one of the most advanced and was encouraged by Government.

Members were also informed that the application to extend the building was to house the hopper not the CHP unit.

Cllr. Cleasby expressed his concerns in relation to the storing of wood to be chipped and used in the burner.

Members were advised that the CHP would burn only G50 woodchips which had to be purchased through an approved supplier. The site would not be storing wood or chipping wood to be used in the burner.

Cllr. Procter advised the meeting that he knew something about moisture content in woodchips as he had previously had business interests at Drax

Power Station. He explained that he had not been at the previous meeting when this application had been presented.

Cllr. Procter said that he was considering this application with an open mind and reiterated the Legal Officers clarification of the Code of Conduct for Elected Members.

Cllr. Procter expressed his concerns that the CHP seemed to be large given that it was only to be used to power and heat the workshop, the house, the shower block and the dryers.

Members were informed that if the unit was not required through summer the unit would be turned off and powered down. Members noted that the output from the unit proposed was about 100Kw

The Panel were informed that the applicant had spoken at length with Environmental Health who had provided a full report as part of the submitted report. An Officer was also present at the meeting to answer questions.

Members noted that Condition 10 set out in the submitted report related to the height of the flue which is set at a height above that of a person so that any pollutants are not ingested. The height of the flue was within DEFRA guidance.

Members were advised that the report provided a clear and full explanation which was within the NPPF Guidance in relation to the change of use and the extension of an existing building to house the hopper.

Members still raised concerns in relation to the amount of storage for the woodchips and the moisture content of stored woodchips.

Officers advised Members that a condition could be added in relation to storage of woodchip.

Cllr. Procter listed a number of concerns as follows that he had in relation to the application and the report submitted;

- No full planning history for this site
- Caravans do not use the site all year
- Storage conditions of woodchips
- The amount of energy produced by the CHP and that it would be used to supply the National Power Grid as income.
- Proposed a condition be added to prevent linking to the National Grid

Planning Officers explained that they had provided information on previous planning history that was deemed relevant to the application.

The Environmental Officer informed Members that Ofgen provided incentives for the installation and use of these systems. DEFRA had undertaken a significant amount of research on these CHP's and provided guidance on these systems. He explained that only a specific type of fuel could be burnt in

these units and that the woodchips would be delivered each month, therefore would not be stored over long periods or be affected by moisture. The Officer said that should the wrong fuel be burnt then the CHP unit would stop working.

Members were advised that pollutant levels are set and would be monitored by Ofgen.

Cllr. Procter expressed his view that the CHP was to be used to produce energy that would be sold to the National Grid and not used as a localised power source for the caravans.

The Chair drew attention to paragraphs 1.4, 1.5, and 1.6 of the submitted report specifically 1.5 which set out the output levels of the unit proposed on this site.

Cllr. Procter said that it was the fear of residents that this CHP was to be used as a power plant and he said that caution should be exercised in considering this application for CHP. He said that CHP's could be installed in any back garden without planning permission.

Members noted advice of the legal Officer in relation to Section 206 of NPPF with regard to recommendations being relevant, precise and reasonable.

The Legal Officer said that it may be considered unreasonable to impose a condition to stop the link to the National Grid.

Cllr. Procter advised that he was unable to support the application as it stood and moved a motion to reject the recommendations within the report, and as such, to refuse the submitted application.

The motion was seconded by Cllr. Wilkinson.

At this point the meeting was adjourned in order for procedural advice to be sought. The meeting was then reconvened and upon being put to the vote, the motion was not carried.

Following this, consideration of the item continued, with the following comments being submitted by Members:

- That surplus energy from solar panels is sold back to the National Grid
- That surplus heat could be used to control the moisture in the woodchips
- Lack of storage for the woodchips
- The size of the vehicle to be used to deliver woodchips. It was noted that a smaller vehicle to deliver the woodchips would increase the amount of trips that would be required
- The submitted report had provided the information as requested by Members at the previous meeting.

RESOLVED – To grant permission subject to the specified conditions set out in the submitted report and for two additional conditions to be added as follows;

- a) Location and integrity of the storage for the woodchip pellets
- b) That only G50 woodchip pellets will be used in the burner

Following the conclusion of this item, Members raised concerns and requested that clarity be sought in respect of the procedure by which a motion is considered and voted upon part way through a debate, and also in respect of what matters can be considered by the Panel when dealing with an application which has been the subject of previous consideration following deferral.

The Chair agreed that there was a need for a consistent approach and that this issue should be considered at a Plans Chairs meeting and then by Joint Plans Panel for discussion.

110 16/04310/FU - Nine dwellings, landscaping and associated infrastructure on land off Belle Vue Road, Scholes, Leeds, LS15

The report of the Chief Planning Officer informed Members of the erection of 9 dwellings with associated landscaping and infrastructure at land off Belle Vue Avenue, Scholes, LS15 4AA.

The application proposed a residential development of 9 detached four bedroom two storey dwellings on a greenfield site.

The greenfield site is located on the eastern edge of the village of Scholes, the village has a mix of houses and bungalows. The site is located close to the Manor House Community Centre which is used regularly by the community of Scholes. It was noted that an area used for parking would be lost due to the development. However, it was proposed that 6 visitors' car parking spaces would be provided to compensate for the loss of parking.

Members were informed that the site comprises of a number of mature trees along the eastern edge of the site as well as a large oak tree towards the centre of the site and also a large oak tree adjacent to the vehicular access point on Belle Vue Road. These trees had been the subject of a Tree Preservation Order (TPO). It was noted that trees are to be planted to the boundary.

Members heard that one tree on the site is due to be removed as it was suffering from decay.

Members had attended a site visit earlier in the day and were shown photographs and plans at the meeting.

Members were informed that the site is relatively flat and surrounded by residential properties on three sides. The properties are a mix of bungalows (sheltered housing) and two storey houses, with small groups of semi-detached properties and terraces with some detached properties on Belle Vue Avenue.

Members noted that a strip of land to the east was unallocated in the UDP and that beyond this was an area of land which is Safeguarded Land.

Members were advised that a number of objections had been raised from residents, the Barwick & Scholes Parish Council and ward member Cllr. Stephenson. The concerns raised were listed at 6.1, 6.2 and 6.3 of the submitted report.

Ms Hassell, Chair of Barwick and Scholes Parish Council was at the meeting and informed the Panel that the Parish Council opposed the development as they did not feel that the type of houses proposed were right for the area. She said that they needed smaller houses so that residents could downsize and stay in the area. Ms Hassell said that the houses were out of character for the area and would dominate the existing properties nearby.

Ms Hassell informed the Panel that the residents or the parish council had not been consulted about the development. She also informed the Panel that the Neighbourhood Plan had been submitted for inspection and therefore carries weight. The Neighbourhood Plan sets out the need for smaller properties.

Ms Hassell advised the Panel that it was Belle Vue Road that was the access point to the development not Belle Vue Avenue as stated by the Planning Officer. She said that parking permits were in use at designated areas near the Manor House, she went on to say that 75% of residents on Belle Vue Road and Belle Vue Avenue were not able to park off road. She said that parking for the events held at the Manor House was usually on the roadside and on the turning area on Belle Vue Road. She went on to say that the loss of parking threatened the sustainability of Scholes community care facilities.

Ms Hassell said that the developers would find it difficult to access the site due to the number of parked cars.

Cllr. Procter informed Members why he was late entering the meeting. He explained that there had been a conflict of advice given to objectors and that someone else had also come to the meeting expecting to speak but had been unaware of the time restrictions in place.

The Chair invited Dr Walsh to address the Panel and answer questions on this application.

In relation to a question about parking Dr Walsh informed the Panel that the Manor House was used by Scholes Community Care a self-funded organisation established in 1972. This organisation caters for the elders in the village. The organisation runs coffee mornings, day trips and other events. This facility is also caters for Osmond House which supports the brain damage trust these people have to be brought in vehicles.

Dr Walsh informed the Panel that parking was fundamental to the sustainability of this group which had been going for 45 years. She said that the Council needed to consider the wider social and health obligations rather than the recommendation of nine inappropriate houses.

Members were informed of the following;

- That visitors to the Manor House are usually dropped off
- Where visitors drive to the event parking can be for up to 2 hours
- Residents parking scheme in use at properties across the road from the Manor House
- Cars are sometimes double parked
- The development site is located only a short walk from the local school
- The school is current at capacity
- There are no play facilities nearby
- The scout group is full

Stuart Natkus spoke to the Panel on behalf of the applicant.

He informed the Members of the following:

- That if there were more properties it would mean more cars.
- The developers had designed the site on the basis of what is there already
- Explained why the developers had decided to build 9 dwellings due to the size of the site and the necessary infrastructure.
- That schools in the area had been looked at as part of the allocation process
- The developers wanted to see a mixed balanced communities
- Construction traffic would be compounded within the site and that plans had been drawn up to address movement of construction traffic
- Consultation had been addressed with officers as the development was under 10 units and therefore not deemed necessary

In relation to questions about the red line boundary and ownership of the land Members' attention was drawn to page 38 of the Panel papers which said that Certificate B had been signed and that notice had been served on Leeds City Council and Mr A C Gilpin.

Cllr. Nash referred to the list of non-material matters and material matters issued to Members of Plans Panels and the fact that Members need to consider the application as put forward in the report.

Members proposed a TRO to address the parking issues. However, Members were agreeable to the Highways Officer proposal that the TRO be deferred to allow Highways Officers' to monitor the situation and if necessary would implement a TRO at the cost of the developer.

Members discussed the following points:

- Parking issues around the Manor House
- Housing mix targets in relation to the Core Strategy
- Play areas
- CIL money
- Planting around the site in relation to hedges rather than trees, if trees to ensure that oak trees are planted.
- Displacement of parking spaces and visitor parking provided by the developer
- Slight movement of dwellings in plots 1 and 2
- To have photovoltaic panels fitted the dwellings

RESOLVED – To defer for discussions with the developers on the following points;

- Planting hedges instead of tress
- Pulling forward the dwellings on plots 1 and 2
- Traffic Regulation Order with Section106 agreement
- Additional 2 parking spaces for visitors

to delegate to the Chief Planning Officer subject to the recommendations set out in the submitted report and to incorporate the conditions listed above.

Cllr. Procter suggested that the fitting of Photovoltaic Panels become policy rather than an additional condition. He suggested this issue be taken to Joint Plans Panel.

Cllr. Procter left the meeting at 16:55 after item 110

111 16/05622/FU - Change of use from a vacant retail unit (Class A1) to a hot food takeaway (Class A5) including new shopfront and installation of

extraction/ ventilation equipment at 42 Main Street, Garforth, Leeds, LS25 1AA

The submitted report of the Chief Planning Officer proposed an application for the change of use of a vacant unit on Main Street, Garforth from a shop (A1) to a hot food takeaway (A5) with new shopfront and installation of extraction /ventilation equipment.

Members were informed that there is a car park to the rear of the unit with 2 designated spaces for the unit and a bin storage. Members noted that the car park is locked from 6pm until 7am.

Members were informed that bungalows back on to the rear of the car park with a distance of 21 metres which are separated by palisade fencing.

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

The new shop front would be of aluminium the same as other shop fronts in the centre.

Members noted that the conditioning unit was to be replaced with a new unit to eject fumes.

Members also noted a typo at 4.3 of the submitted report should read 'allowed at appeal 6th February 2014'

Sue McQuire the secretary of the Garforth Neighbourhood Forum attended the meeting. She told the Panel that there was a need in Garforth for a greater variety of shops as the majority on the Main Street are takeaways or hairdressers. She said that the report had omitted to take account of a survey conducted with householders in Garforth which asked to see less hairdressers and takeaway premises.

Ms McQuire said that the A3 and A5 uses conflicted with the policy of Leeds City Council. She informed the Members that Garforth was listed as one of the highest in the city for obesity.

Ms McQuire made a number of references to Leeds City Council policies and priorities including Child Friendly policies, Leeds Health and Wellbeing Strategy, Core Strategy and the mission for Leeds to be the best for health and wellbeing.

Ms McQuire said that the report of the Chief Planning Officer omitted to include the concern that there are inaccuracies around the frontage measurements, and they would exceed the core strategy percentages of 30% non-retail on this parade.

Nigel Cussen on behalf of Dominos Pizza UK and Ireland and the outlet Operations Manager were at the meeting.

Mr Cussen informed the Members that the outlet would employ local people and would keep footfall in the area. He said that the spaces in the car park would be used for delivery people outside of normal operating hours. The car park would be locked and only the manager would have the key.

Members expressed their concerns that these type of car parks attracted anti-social behaviour. However, they were of the view that the car park in Garforth seemed to be well run.

The Operations Manager said that the car parking spaces would be used by staff not by delivery staff, therefore the car park would remain closed and locked. He said that there would normally be up to 4 delivery cars and they pick up orders from the front of the shop. He said that it was a quick turnaround and that delivery vehicles were not parked for long.

It was noted that the opening times as listed at number 3 of the conditions was not correct. The correct opening times should read 11:00am to 11:00pm

Members had noted that Garforth Academy was located close by and had concerns that students would visit the premises during the lunch period.

The Operations Manager explained that the predominant area of service for Dominios Pizza was delivery orders, with repeat business once in every five weeks.

Cllr. Nash recalled a South and West Plans Panel which had refused an application for a fast food outlet as it was close to a school. She told the Panel that this had been turned over at appeal and although it was still refused the inspector had refused it due the disturbance to residents.

Members expressed their concerns in regard to the proximity of the car park and bungalows to the rear as many of the residents living in them were elderly.

The Head of Development Management provided a brief overview of the issues for Members as follows:

- Applicant had agreed to close and lock the car park between 6:30pm and 7:00am and that parking spaces would not be used for deliveries.
- A Supplementary Planning Document (SPD) on takeaways and hot food outlets to be taken to Development Plan Panel.
- No objections had been received from the school nearby.
- Condition 3 of the submitted report to be amended to set opening hours as 11:00am to 11:00pm

RESOLVED – That the Plans Panel granted permission subject to the conditions set out in the submitted report with the amendment to condition 3 and an additional condition.

Condition 3 – Opening Hours 11:00am to 11:00pm

Additional condition - To restrict delivery vehicles from using the access road and parking area to the rear of the premise to limit any impact upon residential properties to the rear.

Under the provisions of Council Procedure Rule 16.5, Councillor S McKenna required it to be recorded that he voted against the decision to grant the permissions, as resolved by the Pane.

112 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be Thursday 9th February 2017 at 1:30pm.