



## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Thursday, 5th January, 2017  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

R Grahame	B Cleasby	J Procter
S McKenna		G Wilkinson
N Walshaw		P Wadsworth
(Chair)		
S Arif		
C Dobson		
S Hamilton		
K Ritchie		

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

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES</b></p> <p>To confirm the minutes of the meeting held on 1<sup>st</sup> December 2016 as a correct record.</p>	3 - 14
7	Harewood		<p><b>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</b></p> <p>Further to minute number 96 the report of the Chief Planning Officer asks Members to consider 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 103, Blackmoor Lane, Bardsey, Leeds.</p> <p>(Report attached)</p>	15 - 26

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8	Harewood		<p><b>16/04310/FU - NINE DWELLINGS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON LAND OFF BELLE VUE ROAD, SCHOLES, LEEDS, LS15</b></p> <p>To consider the report of the Chief Planning Officer for the erection of nine dwellings, landscaping and infrastructure at land off Belle Vue Road, Scholes, Leeds, LS15.</p> <p>(Report attached)</p>	27 - 40
9	Garforth and Swillington		<p><b>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</b></p> <p>To consider the report of the Chief Planning Officer for 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.</p> <p>(Report attached)</p>	41 - 50
10			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>The next meeting of North and East Plans panel will be Thursday 9<sup>th</sup> February 2017 at 1:30pm.</p>	

**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.

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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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To all Members of North and East  
Plans Panel

**Planning Services**

The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Contact: David Newbury  
Tel: 0113 37 87990  
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits  
Date:

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 5<sup>th</sup> January 2017**

Prior to the meeting of the North and East Plans Panel on Thursday 5<sup>th</sup> January 2017 the following site visits will take place:

Time	Ward	
10.30am		Depart Civic Hall
10.50am	Garforth & Swillington	16/05622/FU – 42 Main Street, Garforth, LS25 1AA
11.15am	Harewood	16/05622/FU - Land off Belle Vue Road, Scholes, LS15 4AA
12.00 noon		Return to the Civic

For those Members requiring transport, a minibus will leave the Civic Hall at 10.30am. Please notify Adam Ward (Tel: 37 88032) if you wish to take advantage of this and meet in the Ante Chamber at 10.25 am.

Yours sincerely

David Newbury  
Group Manager

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## 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 3<sup>rd</sup> 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 30<sup>th</sup> 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 9<sup>th</sup> 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 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF APPROVAL 15/04498/FU TO FACILITATE MINOR MATERIAL AMENDMENTS INCLUDING RETENTION OF EXISTING GAS GOVERNOR, RECONFIGURATION OF CAR PARK, ADDITIONAL PLANT EQUIPMENT TO ROOF AND ALTERATIONS TO ELEVATIONS AT 47 THORNER LANE, SCARCROFT, LEEDS, LS14 3AN**

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.

Draft minutes to be approved at the meeting  
to be held on Thursday, 5th January, 2017

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 evidence of the Inspector.

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 5<sup>th</sup> January 2017 at 1.30pm



Originator: Umar Dadhiwala

Tel: 0113 37 88015

## Report of the Chief Planning Officer

### PLANS PANEL NORTH & EAST

Date: 5<sup>th</sup> January 2017

**Subject: 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, Bardsey, Leeds.**

#### APPLICANT

Mr James Brown

#### DATE VALID

6<sup>th</sup> June 2016

#### TARGET DATE

01<sup>st</sup> August 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: GRANT PERMISSION subject to the specified conditions:

1. Standard time.
2. Plans to be approved.
3. Walling and roofing materials to matched the existing
4. Details of numbers of deliveries of fuel to be submitted and agreed, records of the delivers shall be kept.
5. Delivery vehicles shall not exceed the size (7.5 tons) and capacity shown on the details hereby approved.
6. Waste from the biogas unit shall be collected no more than every three months
7. Details of a scheme of noise assessment to be submitted and approved and if necessary, details of noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority.
8. The wood burning plant / CHP unit shall not be operated until a scheme to control noise emitted (if necessary) from it has been approved in writing by the Local Planning Authority and installed as approved.
9. The delivery and loading / unloading of fuel for the wood burning plant and collection of waste produced by the plant shall be restricted to 08:00 hours – 18:00 hours Monday to Sunday.

10. Details of the chimney serving the biomass boiler to be submitted, the chimney needs to be set at a minimum height of 1 metre above the ridge of the building to reduce ground level concentration of pollutants.

## **1.0 INTRODUCTION**

- 1.1 The application was presented to Plans Panel on 1<sup>st</sup> December 2016. Members resolved to defer the decision for a cycle, so that the application can be brought back to with additional information on the type of fuel pellets that will be used, the process they go through and what the emissions/waste comprise of.
- 1.2 The proposed Biogas CHP generator will use wood chips and not pellets to generate electricity whilst also capturing usable heat that is produced in this process. Grade G50 woodchips will be used, which will be from uncontaminated natural or 'virgin' softwood timber, such as larch, spruce, pine or aspen. This means that the wood will be clean and free from any waste, including dirt, sand, rocks, metal etc. The moisture content of the chips will be a maximum of 15% (dry- basis) measuring around 16mm and 50mm in size.
- 1.3 The applicant states that the any woodchip used by the CHP unit will come from an approved supplier from the Biomass Suppliers List (BSL). The Biomass Suppliers List (BSL) was introduced by the Department for Business, Energy and Industrial Strategy (BEIS). It supports the Government's Renewable Heat Incentive (RHI) scheme by ensuring that RHI payments are only issued to biomass boilers using woodfuel that meets certain sustainability and legality requirements.
- 1.4 In terms of the process, the woodchips are fed into the gasifier where they are heated to a high temperature with a low oxygen level to release a combustible biogas. This biogas is then captured and cooled down in the heat exchanger and supplied to the filter unit. Solid particles are filtered out of the gas. The gas is then cooled down to +60C and mixed with air before being fed into the combustion engine. The engine runs a generator to create 45kW of 3 phase electricity. The heat in this process is captured in the water jacket of the engine before being piped out to be utilised.
- 1.5 The CHP unit will produce 45kW electrical, 82kW of heat from engine jacket and exhaust and up to 18kW from when the gas is cooled. This provides 100kW of heat, of which 100% will be used on site by the caravan park for a workshop, shower block, house and flat. Half the electricity produced will be used on site and Northern Power Grid has already agreed to take any surplus into the local network allowing local properties to benefit from a local renewable energy source
- 1.6 The applicant states that the ArborElectroGen system produces little or no visible smoke plume from its flue, virtually no particulates, virtually zero Nitrogen Oxides, and Carbon Dioxide emission levels that are 93% lower than that of an equivalent natural gas-fired CHP system. This is due to the process and temperature at which the gas is produced in the vessel, coupled with the fact that the gas is made up of approximately 50% combustible components (a fuel that produces water vapour and small quantities of carbon dioxide when combusted in the CHP system).

## **2.0 PROPOSAL**

- 2.1 The proposal is to change the use and extend the existing storage building on the site and to install a flue. The single storey extension will measure 4m by 4m and will be 2m in height. The extension is sought to facilitate the installation of an ArborElectroGen 45 Combined Heat and Power Unit. The energy generated will be

used to serve the applicants caravan park. The flue will largely be internal to the building but the top metre will project out and beyond the ridge of the barn.

- 2.2 The building will also be used to store wood chips (fuel for the power unit). The applicant states that the power plant will only require one delivery of wood chips per month to service their needs. Waste from the site will be taken quarterly.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site comprises an area of land that is used as a caravan site and a camping area, all of which is located between Moor Allerton and Scarcroft golf courses, and is located within the designated Green Belt.
- 3.2 Beyond the eastern boundaries are areas of mature woodland, forming part of the landscape of the adjacent golf course. The surrounding area is rural in character, comprising open farmland and areas of woodland.
- 3.3 The site features around 76 caravans, a cottage and a number of agricultural and storage buildings.
- 3.4 The application relates to an agricultural building which was approved in 1993. The applicant claims that the building is currently used for storage purposes for the wider caravan park and on inspection of the building this seems to be the case. The structure is of a conventional agricultural design clad in green coloured metal profile sheets.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There have been a number of applications approved and refused on the site for various buildings and change of use of buildings within caravan park. It is considered that the most relevant of these with regards to a 1993 application under which this storage building was approved ref: 31/38/93/FU. This permission included a following condition;

*The proposed barn, hereby approved shall only be used in conjunction with the stable approved under consent no 90/31/00300, and for those purposes incidental to the enjoyment of the dwelling house as such.*

The reason for the condition was: Because this is not considered a suitable location for a commercial activity.

- 4.2 In 1999 an application seeking Agricultural Determination for the extension was refused (31/273/99/DE). The refusal reason sited that the building was not at the time being used for agricultural purposes and therefore the application could not granted.
- 4.3 Recently an application seeking to house the power unit was refused for its harmful impact upon the openness and the character of the Green Belt ref: 16/01266/FU.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Following Highways Officer's request for further information on the visibility, details on the frequency of deliveries, the type of delivery vehicles and the turning area within the site. The applicant after discussion with the Planning Officer, provided additional information that was requested this included a site plan that clearly identifies the

access point and the details of the type of delivery vehicle that will be used.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The original site notice for the application was posted on 24.08.2016, after the description of the application was changed a second site notice was posted 01.07.2016.

6.2 8 letters of objections received raising the following concerns;

- The proposed introduction of an industrial process is an inappropriate form of development within the green belt and would harm the local community.
- The proposal is an inappropriate form of development within the Green Belt
- The plans fail to show how the internal layout of the building will function.
- Walls of the building will have to be removed to install the power unit.
- The applicant has failed to indicate additional hard surfacing that will be required for large delivery vehicles to turn within the site.
- Further alterations to the building will be required to accommodate the power unit but these have not been shown on the plans.
- The noise, smoke and smells from the site will harm neighbouring residential amenity.
- The highways and access point to the site is substandard and would not allow for large delivery vehicles safely enter and exist the site.
- The emissions from the unit will cause environmental damage.
- The applicant's assessment that the only one delivery a month will be required to serve the power unit is considered inaccurate
- The feasibility of the power unit is questionable
- The drainage within the site has not been clarified
- There are no waste disposal details submitted with the application
- The proposal may require a larger flue to dispose excess energy
- Details of fuel storage has not been provided.
- The noise and pollution from the plant will have a negative impact on the residents of the caravan park.
- The applicant's assessment that the only one delivery a month would be required in in accurate
- The statement made that no employees will be required on site is also not accurate.
- The noise from the plant and equipment and also deliveries as well as smells and pollution from the unit will have a harmful effect on neighbouring residential amenity.
- The proposal will increase traffic
- The highways and access point to the site is substandard and therefore an increase in traffic movement will raise highway safety issues.
- There are a number of inconsistencies in the supporting evidence.
- The revised scheme should be treated as a new application.
- Noise from the movement of vehicles
- Additional staff will be required

6.3 The Parish Council comments that the application is confusing and that they would like the applicant to attend the next Parish Council meeting.

## **7.0 CONSULTATIONS RESPONSES**



- 7.1 Highways- No significant concern raised, but comments that there is a need to control the size of vehicles.
- 7.2 Nature Conservation- No objection.

## **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.

### Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The site is unallocated in the Development Plan, and is adjacent to the Leeds Habitat Network.
- 8.4 The following Core Strategy policies are relevant:
- P10 – High quality design
  - P11 – Relates to heritage assets
  - P12- Developments in the Green Belt
  - EN3- Low Carbon Energy.

- 8.5 The following saved UDP policies are relevant:

- GP5 – General planning considerations
- N25 – Landscaping
- BD5 – General amenity issues
- LD1 – Landscaping
- N33 – Development within the Green Belt
- N37- Special Landscape Area

### Natural Resources and Waste Local Plan

- 8.6 Energy 3: Proposals for low carbon energy and supporting infrastructure will be supported in principle. However, the proposals must demonstrate the facility has potential to connect to an outlet; the development has addressed Waste 9; and, the proposal should demonstrate the potential to contribute towards CHP.
- 8.7 Waste 9: Environmental and amenity aspects such as appearance, noise, dust, litter, odour, drainage, vermin and gas emissions.

### National Planning Policy

- 8.8 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the

key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.9 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. In respect of the green belt and extensions to buildings the NPPF sets out that planning permission should not be granted unless, amongst other factors, "...the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building".
- 8.9 The NPPF states that Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 89 of the NPPF states that LPA's should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

## 9.0 MAIN ISSUES

- Principle of Development – Impact on the character and the openness of the Green Belt
- Renewable and Low Carbon Energy
- Visual Amenity/ Design/ Special Landscape Area
- Highways
- Impact on Neighbouring Residential Amenity

## 10.0 APPRAISAL

### Principle of Development – Impact on the character and the openness of the Green Belt

- 10.1 The application seeks permission to change the use of this storage building so that it can be used to house a Biogas CHP generator and wood chips. For this, a change of use of the building is required, as the existing building is restricted to be used in connection to a stable block and for purposes incidental to the enjoyment of the main dwelling house on the site (see planning history section of the report). A 4m by 4m single storey extension is also proposed to the building and a flue will also be attached to the building. The extension will be constructed on existing agricultural land.
- 10.2 In establishing the principle of the development, considerations needs to be given to specific planning policies that relate to the change of use of buildings and also with regards to the alterations to building, within this Green Belt location.
- 10.3 In so far as the re-use of the building is concerned, the Council's development plan policies (notably Policy N33 and GB4 in tandem) are not entirely consistent with the NPPF. As the guidance of the NPPF with regard to the re-use of buildings in the Green Belt is more up to date than the UDPR policies, the guidance in the NPPF

should be preferred. The NPPF (Para 89) sets out the categories of development which are appropriate in the Green Belt. This includes the reuse of buildings in the Green Belt, provided that the buildings are of permanent and substantial construction.

- 10.5 In light of the guidance provided by the NPPF, the key consideration with regards to the proposal is whether or not the building, which is proposed to be changed in use, could be regarded as being of permanent and substantial construction. Although, a structural report has not been submitted, it is not necessary. As it is evident from the inspection made by the Case Officer during the site visit that the profile metal clad structure is of a permanent and substantial structure. Therefore, it is considered that the re-use of the building is considered acceptable.
- 10.6 In relation to the extension to the building and the addition of the flue, the NPPF allows for extensions and alterations to a building provided that they do not form disproportionate additions to the building. It is considered that the proposed extension is fairly modest in scale when compared to the overall size of the main building and will not amount to disproportionate addition to the building. Therefore, it is considered that the proposal will not be harmful to the openness or the character of the Green Belt. The extension will encroach over existing agricultural land. However, the area of open land that will be lost is a fairly small and will not cause significant harm to openness. It is considered that minimal harm may result from the loss of some open grass land, can be outweighed by the environmental benefits of the scheme.
- 10.7 On the basis of the above, it is considered that the proposed development does not conflict with Green Belt policy relating to re-use of buildings or in relation to alterations to buildings. Therefore, it is considered that the proposed development constitutes an appropriate form of development within the Green Belt and will not be harmful to the Green Belt.

#### Renewable and Low Carbon Energy

- 10.8 Weight in favour of the scheme is also given by reference to Paragraph 17 of the NPPF which sets out 12 core principles that identify the 'roles that the planning system ought to play'. The fifth principle states that the green belt should be protected and that the character and appearance of the countryside is important. The guidance contained in the sixth principle outlines that the use of renewable resources should be encouraged. National policy sets a context for a rapid transition towards renewable and low carbon energy generation.
- 10.9 Paragraphs 18 and 93 reiterate the importance of the delivery of low carbon energy and that it is essential to the three elements (environmental, economic and social) that form sustainable development. Local Planning Authorities are strongly encouraged to support energy efficiency improvements to existing buildings (paragraph 95), take positive steps towards the production of low carbon and renewable energy in plan making (paragraph 97) and should not require the applicant to demonstrate need (paragraph 98).
- 10.10 The proposed biogas generator facility is considered to be a renewable low carbon energy source. Local plan policy (the Natural Resources and Waste Local Plan (NRWLP) and the Core Strategy (CS) support the development of renewable and low carbon energy. In this case, policy Energy 3 and policy EN3 (of the CS) are relevant, which are outlined in the policy section. Tackling climate change is a strategic priority for the Council.

#### Visual Amenity/ Design/ Special Landscape Area

- 10.11 The extension and the flue are modest structures will not appear prominent from public view. Therefore, it is not considered that the proposal will harm the landscape of this special landscape area. The simple shape and form of the single storey extension and the flue, as well the use of matching materials for the construction of the extension; will ensure that it will not harm the design of the building or the character of the area.
- 10.12 The flue will be of modest dimension and will be set 1m above the ridgeline of the main building. It is considered that the flue will not appear prominent from public vantage points and will have little impact on the design of the building or the character of the area.

### Highways

- 10.13 The access will be taken off the existing access point which is considered to be suitable for use by delivery vehicles and has appropriate sightlines at the junction. Therefore, no technical highway objections are raised to the proposal.
- 10.14 It has been stated (by the applicant) that woodchip will be delivered once per month and that this is the same frequency as adjacent residents who receive monthly deliveries of oil. It is stated that the size of the vehicle is identical to oil tank refill deliveries that the other neighbours receive. The applicant also states that waste will be stored on site and removed quarterly. Given the frequency of the deliveries and waste collection, it is not considered that the movement of traffic to and from the site will be significant. Therefore, based on the information provided, it is not considered that the movement of traffic will harm neighbouring amenity through noise nor will it raise highway safety concerns. The Highways Officer has also come to a similar conclusion and in light of the suitability of the access, that vehicles can enter and leave the site in a forward gear, that adequate sightlines exist and that the speed limit on this section of road is 30mph a more frequent delivery regime could be accommodated without harming highway safety. There are however some concerns that relate to hours of delivery and condition have been imposed to address this issue.

### Impact on Neighbouring Residential Amenity

- 10.15 It is expected that some fumes and noise will be omitted by the power generated and therefore consideration needs to be given to the impact of this on neighbouring residential amenity including the residents of the Caravan Park. The building is set 53m away from the nearest neighbouring dwelling No.101 Blackmoor Lane and around 5m away from the nearest caravans.
- 10.16 Members of the public have raised concerns in relation to the noise levels emitted from the unit and from wood chip deliveries. The Ward Councillor's and objectors also comment that the unit will cause air pollution and environmental damage. It is acknowledged that due to the nature of this power generating unit which will also be generating electricity (in addition to hot water & space heating), there are likely to be noisy fans / motors / turbines and other moving parts ( auto feed system) with the potential to generate noise. There has been no noise assessment report submitted in support of the application in accordance with BS4142 :2014 "Methods for rating and assessing industrial and Commercial Sound".

- 10.17 There is, however, some basic noise data which states that the noise levels from the proposed equipment will be approximately 80dBA at 1 metre away. The nearest

noise sensitive dwelling is situated approximately 75-80 metres away from the building where the boiler will be installed. However, other noise-sensitive static caravans / pitches situated adjacent to the site are situated much closer but these are under the control of the applicant. It is, therefore in the interest of the applicant to ensure that his own clients / customers are not affected by the noise and proper noise assessment is carried out by a competent noise consultant and accordingly recommend noise mitigation measures. Condition 7 is suggested and this requires a noise assessment to be carried out and then if the results of that show it is necessary sound proofing can be installed within the building to deaden any noise impacts. The Environmental Protection Team have advised that an appropriate sound insulation scheme can be achieved at the building.

- 10.18 The Environmental Protection Team have assessed the scheme and has raised no objections and have commented that the background noise levels, resulting from the proposal, are likely to be low. However, it is recommended that a noise survey is carried out during the day time and night time in accordance with the BS4142 standard, so as to ensure noise issues do not arise. The Environmental Protection Team also recommends that in order to comply with provisions of the Environmental Protection Act 1990 to prevent Odour and smoke nuisance to the nearby properties, the boiler chimney should be constructed 1 metre above the ridge on the building to ensure that the emissions from flue are adequately diluted and dispersed to atmosphere. Environmental Protection have not recommended noise insulation scheme for the building, but it is advised that a sound insulation such a scheme can be achieved within the confines of the building and this could potentially be beneficial to neighbouring residents particularly of the caravan park. However, following the carrying out of a noise assessment it may be the case that such insulation is not necessary.

#### Public Representation

- 10.19 Comments made that the proposal in relation to the scheme being an inappropriate form of development in the Green Belt, highway safety, pollution, noise and smell have all be discussed in the report. There proposed scheme is found to be acceptable with regards to these issues.
- 10.20 The comments made that the plans fail to show how the internal layout of the building will function, is unreasonable. The layout of the scheme has been shown. The function of the site has also been described in the Design and Access statement.
- 10.21 The claims made that the walls of the building will have to be removed to install the power unit, is noted. The building features a large access door which it is considered is sufficient size for the proposed internal works to be carried out.
- 10.22 An objector has indicated that the plans fail to indicate the additional hard surfacing areas that may be required. Most of the areas of hard standing already exists within the site and therefore it is not considered that large amount of hard-standing will be required.
- 10.23 Comments have been made that further alterations to the building will be required to accommodate the power unit but these have not been shown on the plans. The applicant has indicated the alterations that are required to the building on the plans. Should any further works are required than naturally the applicant would apply for planning.

- 10.24 The claims made by the objector that there will be a requirement to employ an additional staff member to operate the power unit, is noted. Given the size and scale of the heat generating unit it is unlikely that any additional staff members would be required. However, if the power unit does create employment in this rural area then this would not necessarily be a negative point.
- 10.25 The comments made relating to the feasibility of the power unit, is not a material planning consideration.
- 10.26 The comments have been made that any conditions relating to the number of deliveries cannot be enforced. It is considered that such conditions can be enforced.
- 10.27 An objector has commented that the drainage works required within the site has not been clarified. The applicant has informed the LPA that there is no additional drainage works that are required.
- 10.28 There comments made that there are no waste disposal details submitted with the application, is not correct. The applicant has indicated that the waste will be taken from the site in a quarterly basis.
- 10.29 An objector has commented that a larger flue may be required to dispose the excess energy. It is considered that should a larger flue be required then this can be dealt with under a separate application.
- 10.30 Inconsistencies in the design and access statement highlighted by the objector's, are noted. These have not affected the manner in which this application has been processed.
- 10.31 The objectors have commented that the revised scheme, which resulted in changes being made to the description of the application, should be treated as a new application. The application was re-advertised following the change in the description of application, and it is considered that the process does not need to be re-stated.
- 10.32 With regards to noise from vehicle movement, it is considered that infrequent nature of the deliveries and waste collection, which can be controlled by condition, means that the noise from vehicle movement will not be significant.

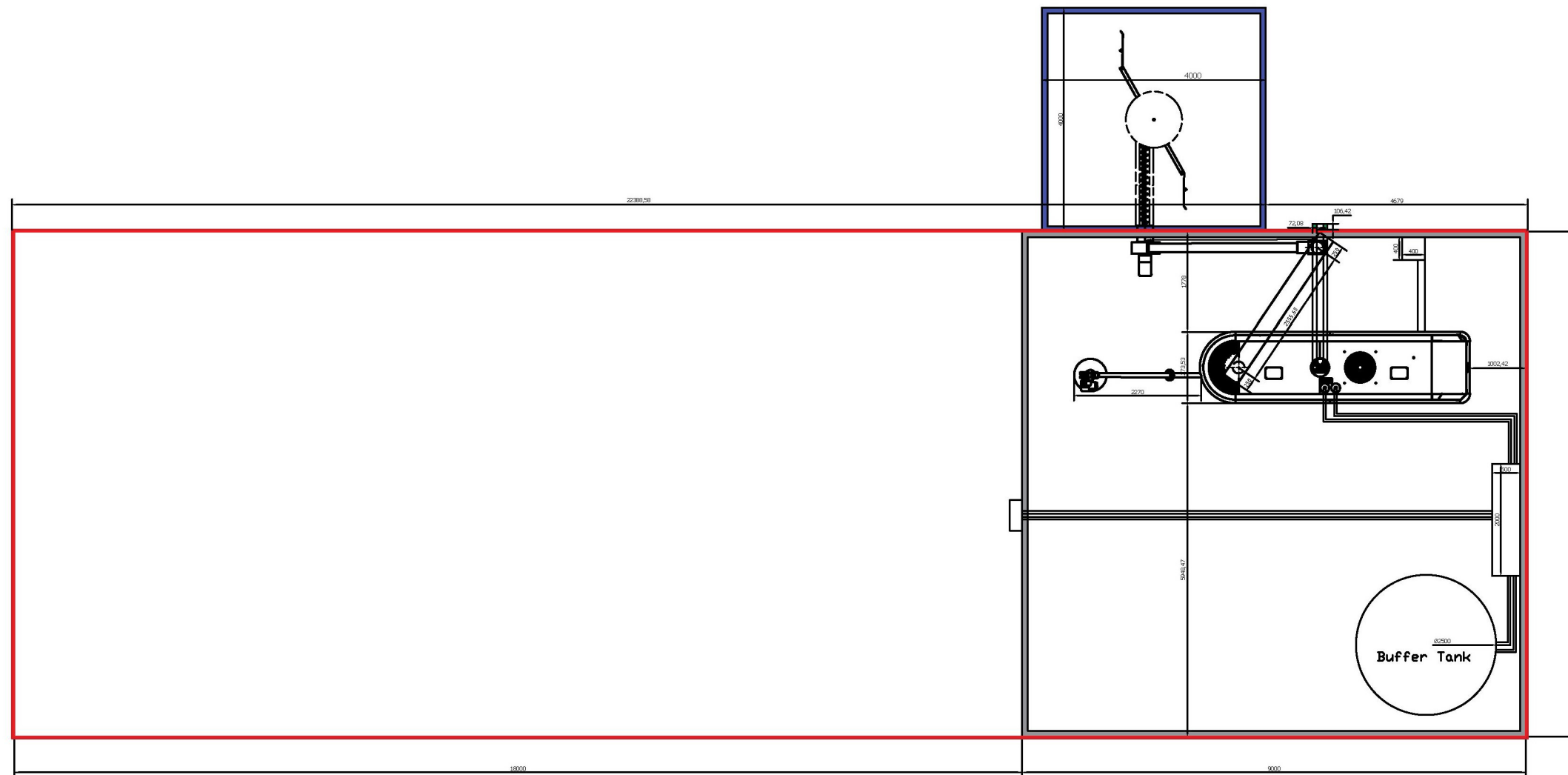
## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed development is an appropriate form of development within the Green Belt and will not harm its openness or character. The proposal does not raise highway safety issues nor will it harm neighbouring residential amenity; and whilst also considering the environmental benefits of the scheme, it is considered that the application should be approved.

### **Background Papers:**





Application files: 16/03101/FU

Certificate of ownership: Mr James Brown



DRAWING TITLE

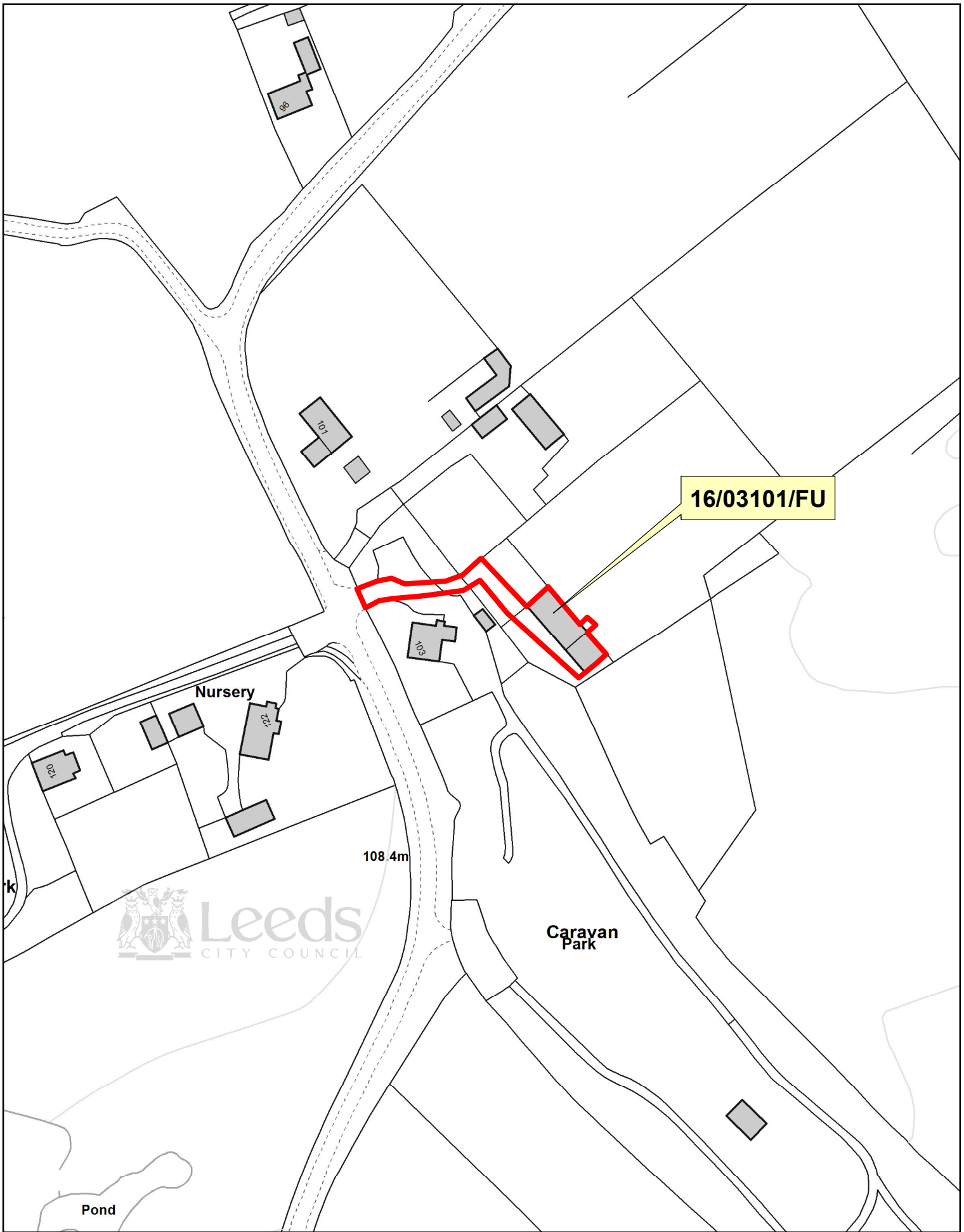
# Plant Room Plan View

- NOTES
-  Noise insulation
  -  Existing building
  -  Proposed fuel intake hopper
  -  Proposed external flue

CLIENT  
**James Brown**

DRAWN	XX	DATE	24/05/2016
CHECKED	XX	DATE	XX/XX/XX
APPROVED		DATE	

SCALE	1:100	SHEET	1/1
PAPER SIZE	A3		
DRAWING			



# NORTH AND EAST PLANS PANEL







Originator: Adam Ward

Tel: 0113 378 8032

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 5<sup>th</sup> January 2017

**Subject: 16/04310/FU – erection of 9 dwellings with associated landscaping and infrastructure at land off Belle Vue Avenue, Scholes, LS15 4AA**

#### APPLICANT

Chartford Homes

#### DATE VALID

14<sup>th</sup> July 2016

#### TARGET DATE

8<sup>th</sup> September 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: GRANT PERMISSION subject to the specified conditions:

1. Time limit
2. Plans to be approved.
3. Materials (walling, roofing, and surfacing).
4. Details of fences and walls to be provided.
5. Statement of construction practice, including provision for contractors parking.
6. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
7. Laying out and retention of visitor parking spaces.
8. No tree felling except in accordance with the submitted tree survey.
9. Protection of retained trees and hedgerows.
10. Landscaping scheme and implementation.
11. Updated bat survey if T12 not felled before May 2017
12. Submission of Construction Environmental Management Plan (CEMP).
13. Submission of Biodiversity Enhancement & Management Plan (BEMP).
14. Details of levels to be agreed.
15. Maximum driveway gradient.
16. Retention of garages.
17. Obscure glazing to first floor windows in west elevation of Plots 5 & 6.

18. Remove PD for insertion of additional windows to west elevation of Plots 5 & 6 and south elevation of Plot 1.
19. Vehicles space to be laid out.
20. Surface water drainage.
21. Reporting/remediation of any unexpected contamination
22. Verification of imported soil as contaminant free.

## **1.0 INTRODUCTION:**

- 1.1 The application is presented to Plans Panel at the request of Cllr Ryan Stephenson, due to concerns over the type of accommodation being proposed and loss of parking provision.
- 1.2 This full application is a greenfield site within an identified village, in a sustainable location, where the principle of small scale residential development is considered to be acceptable in local planning policy terms, and thus constitutes sustainable development.

## **2.0 PROPOSAL:**

- 2.1 The application proposes a residential development on a small greenfield site which measures 0.66ha. A total of 9 detached dwellings are proposed, all of which would be 4 bedroom two storey properties. The dwellings are arranged within a cul-de-sac format, with two of the dwellings fronting onto the access road which leads into the site. Adjacent to the entrance to the site, a total of 5 visitor parking spaces are proposed which will seek to compensate for the loss of parking which currently takes place.
- 2.2 The layout results in the removal of 1 oak tree (T12), with evidence been provided and accepted that the tree is suffering from major decay and thus should be removed' All other trees along the eastern boundary are retained, while the dwellings are positioned sufficient distances away from off-site tree to the south western and north eastern corners so as not to pose a threat to their health and future growth.
- 2.3 In terms of the design and materials of the proposed dwellings, three different house types are proposed. Seven of the dwellings include an integral garage, and incorporate a front catslide roof with a large gable feature and a small dormer window. The other two dwellings have an attached double garage with accommodation above within the roofspace. The materials include a combination of brickwork and a tiled roof. Materials would be secured through a condition. Each property would have at least 2 parking spaces in the form of garages and driveways.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is a greenfield site on the eastern edge of the village of Scholes. The site measures 0.66 hectares and comprises a number of matures trees along its eastern edge. There is also a large oak tree towards the centre of the site as well as a large oak tree adjacent to the vehicular access point on Belle Vue Road. There are also other off site trees which contribute to the character of the area. These trees within and adjacent to the site have been the subject of a recent Tree Preservation Order.

- 3.2 The site is relatively flat with a slight rise from east to west. There are surrounding residential properties on 3 sides to the north, south and west. These comprise a mix of bungalows (sheltered housing) and two storey houses. Small groups of terraces and semi-detached properties form the prevailing character with some detached dwellings on Belle Vue Avenue. The strip of land immediately to the east is unallocated in the development plan and includes a strip of mature tree planting along its eastern boundary. Beyond this strip of land the area beyond forms an extensive area of Safeguarded Land (PAS in the UDP). This has been the subject of attempts for significant residential development in the past, but an application for up to 850 dwellings was withdrawn.
- 3.3 The application site also includes the existing access from Belle Vue Avenue which leads towards a large turning and informal parking area. The road also serves two rows of garages to the south. At this junction is Manor House, which is a locally used community centre. It is understood that visitors to Manor House park within this access road and parking area. The bungalows to the south have relatively short back gardens/yards and with a pedestrian access route which separates the gardens from the application site. Hedging forms the boundary along this southern boundary. To the west, the bungalows and houses are set at various angles to the site and have reasonable generous back gardens.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 No relevant planning history relating to the application site has been identified. However, a Tree Preservation Order was recently served covered trees on and within the vicinity of the site (Ref. TPO No. 23 2016). These include a number of Oak, Ash, Holly, Horse Chestnut and Cypress trees. Following the receipt of a more detailed arboricultural survey, it was concluded that T12 (an Oak) is displaying major defects owing to a large tear wound resulting in swelling and two hollow cavities with decay. Given these defects and decay, the tree was removed from the TPO.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Concerns were initially raised over the detailed layout of the scheme and some of the house types. Following further discussion and the receipt of further information and amended plans, it has been agreed that T12 can be removed due to its health. Mitigation planting is proposed along the eastern boundary. The houses on plots 5 and 6 have also been re-positioned in order to minimise the impact upon the living conditions of the residents to the west. Small improvements to some of the house types have also been made to improve their visual appearance. Further highways information has also been provided to demonstrate that the access into the site is appropriate together with the internal layout and turning head.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was publicised by means of site notice dated 5 August 2016. Immediate neighbours of the site were also notified directly in writing by letters dated 20<sup>th</sup> July 2016. Revised plans were received on 5<sup>th</sup> October 2016 which amended the layout of the proposal, and specifically the siting of the dwellings on plots 5 and 6. In response a total of 93 letters of objection have been received. Objections raised are summarised as follows:

- Large detached houses not appropriate for this site.
- Large houses out of keeping and harmful to local character.
- Site should be used for bungalows / sheltered housing.
- Proposals should be for older people in the community.
- Affordable housing more appropriate on this site.
- More starter homes needed in the area.
- Two storey houses not acceptable.
- Impact on traffic and congestion.
- Increased noise and disturbance.
- Impact on quality of life.
- Loss of parking to users of Manor House.
- Access from Belle Vue will be difficult.
- Impact on residents with mobility problems.
- Impact on local infrastructure including schools and doctors surgeries.
- Loss of amenity in terms of overlooking.
- Overshadowing of adjacent properties.
- Impact on drainage and surface water runoff.
- Impact on flooding.
- Significant impact on the sheltered bungalows.
- Proposals not in accordance with aspirations of the Neighbourhood Plan.
- Council's Strategic Market Housing Assessment refers to need for older persons housing based upon demographics and ageing population.
- Impact on trees and local wildlife.
- Impact on visual amenity.
- Proposals are not sustainable development.
- Impact on the roads during construction.
- Construction will impede emergency vehicles.
- Inadequate consultation with the local community.

6.2 Barwick & Scholes Parish Council: Object on grounds that it does not meet the minimum density required by the Core Strategy; the type and design of the properties is not complementary to its surroundings; overshadowing; overdevelopment; proposal not in conformity with the emerging Neighbourhood Plan; site is better suited to extending the provision of sheltered housing or assisted living with affordable homes; negative impact on the characteristics of the village; loss of biodiversity; trees should remain on site; concerns over loss of parking, and restrictions over access to the garages used by elderly residents.

6.3 Cllr Ryan Stephenson: Objects to the proposed development on the basis that 9 detached properties are not in keeping with the current housing mix or character; the development is radically different to that in the emerging Neighbourhood Plan which recognises future opportunities for the extension of sheltered and assisted-living accommodation; concerns over loss of parking for patrons of the Manor House. It is made clear that the Ward Member is not opposed to development on this site, but it is the type of accommodation being proposed that the objection relates to.

## **7.0 CONSULTATION RESPONSES**

7.1 LCC Highways: Comments were initially raised over the technical details of the proposal including the road width, refuse vehicle tracking, and the fact that the road should be built to adoptable standards. The road should have a 20mph speed limit in accordance with the Street Design Guide. Following negotiations with the applicant,

an acceptable layout has now been agreed. Whilst the site does not fully meet the Core Strategy Accessibility Standards, it is within the required 5 minute walk (400m) of bus stops located on Main Street, although the service frequency does not match the requirement of 15 minutes. This site is also within the recommended 20 minute walking distance of a primary school (Scholes Primary) and within the 30 minute walk (2400m) of the nearest secondary school (John Smeaton Community College). No objections are therefore raised subject to the imposition of a number of conditions.

- 7.2 LCC Flood Risk Management: No objections raised subject to the imposition of a condition requiring the submission of a scheme detailing surface water drainage works, including hydraulic calculations. These details shall be consistent with the details set out within the applicant's Flood and Drainage Assessment.
- 7.3 LCC Contaminated Land: From a review of the submitted Desk Study no objections to planning permission being granted subject to conditions requiring any unexpected contamination found to be reported and the land remediated in accordance with details to be agreed and to require any imported soil to be verified as free of contamination.
- 7.4 Nature Conservation Officer: The submitted bat survey is considered to be acceptable, although the survey has not identified the bat roosting potential of the tree to be removed from site at this time (Spring/Summer 2016). A condition should therefore be added requiring that if T12 is not felled prior to May 2017, then an up to date bat survey shall be carried out prior to subsequent felling. The hedgerow along the eastern boundary should be protected during the construction phase. Additional conditions are also recommended.
- 7.5 Landscape Officer: Concerns were initially raised over the removal of the Oak tree (T12) towards the centre of the site. However, following the submission of the additional arboricultural information, the loss of T12 is accepted. Concerns are still raised over the encroachment of the road into the root protection area of T10.

## **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 (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 8	Economic development priorities
Policy H2	New housing on non allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements

Policy T2	Accessibility requirements and new development
Policy P10	Design
Policy P12	Landscape

8.3 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1	Land use and the proposals map
GP5	General planning considerations
N23/N25	Landscape design and boundary treatment
N24	Buffer planning to the Green Belt and open countryside
LD1	Landscape schemes

Supplementary Planning Guidance:

8.4 SPG10 Sustainable Development Design Guide (adopted).  
 SPG13 Neighbourhoods for Living and addendum (adopted).  
 SPG22 Sustainable Urban Drainage (adopted).  
 SPD Street Design Guide (adopted).

Site Allocations Plan

8.5 The site is identified for housing in the emerging Site Allocations Plan (SAP) Site Reference HG2-28 (4068) as a Phase 3 site. This indicates that the site is suitable for up to 15 dwellings. Further public consultation has been undertaken on sites within the Outer North East Market Housing Characteristic Area and all representations will be duly considered in 2017, leading towards public examination and formal adoption. However, at present only limited weight can be afforded to the SAP.

Neighbourhood Planning

8.6 Barwick in Elmet & Scholes Neighbourhood Plan is at the Submission Draft stage and will be formally submitted for examination in 2017. Therefore, at present, only limited weight can be afforded to the plan. The plan includes policies for the provision of new housing (Policy H1) which seeks to provide a range of housetypes and size, particularly for young families and older people. Policy H2 notes that new housing development should reflect their surroundings in terms of density, footprint, separation, scale and bulk. Support is given to the provision of 1 and 2 storey housing, development that assimilates into the community, the re-use of redundant buildings and previously developed land, and development which reflects the existing built forms and provides appropriate landscaping. The site is not identified in the plan as a local green space.

National Planning Policy Guidance:

8.7 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development	
Section 1	Building a strong, competitive economy
Section 4	Promoting sustainable transport
Section 7	Requiring good design
Section 10	Meeting the challenge of climate change, flooding and coastal change

DCLG - Technical Housing Standards 2015:

- 8.8 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. However, each dwelling meets the minimum floorspace standards and therefore is considered to provide a good standard of amenity for future occupants.

**9.0 MAIN ISSUES**

1. Principle of Development
2. Highways and Access
3. Housing Mix, Layout and Local Character
4. Trees and Ecology
5. Drainage and Flood Risk
6. Impact on Residential Amenity
7. CIL

**10.0 APPRAISAL**

Principle of Development:

- 10.1 The NPPF at paragraph 49 indicates that housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 14 also notes that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this respect and based upon the recent Secretary of State appeal decision at Grove Road in Boston Spa, it is clear that the Council has not got a five year supply of deliverable housing sites, and has been consistently under-delivering. This therefore lends weight to the principle of residential development provided there are no adverse impacts arising from the development when balanced against the benefits.
- 10.2 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages.

- 10.3 The application site is an un-allocated site located within the Village of Scholes. The site is surrounded by existing residential development on 3 sides (north, south and west) and could therefore be considered an infill site or a “rounding off” of the settlement. Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.
- 10.4 In relation to the above criteria of Policy H2, the proposed development site does not therefore make such a significant a contribution to the visual, historic or spatial character of the area so that its development could be seen not to unduly conflict with Policy H2.
- 10.5 Whist located in the lowest tier of the settlement hierarchy the proposal is for a small scale development of 9 dwellings that would not exceed the capacity of local infrastructure and would be of an appropriate density in view of local character. It would make a modest contribution to housing delivery in the area and the proposal is therefore considered to be policy compliant and acceptable in terms of the principle of the development.
- 10.6 It is also worth noting that the site is put forward as a future housing site within the emerging Site Allocations Plan. Whilst limited weight can be afforded to this document, it does demonstrate the local planning authority’s long term aspirations over this site and the fact that it has been considered in light of its suitability and sustainability credentials.

#### Highways and Access

- 10.7 The application proposes to utilise the existing access from Belle Vue Avenue which will then continue into the site. The vehicular access provides good visibility in both directions and is sufficient to accommodate 9 new dwellings on this site.
- 10.8 The site is within a sustainable location with accessibility to a range of local services within Scholes, including a local primary school. The proximity to local bus services on Main Street is within easy walking distance (within 400m).
- 10.9 The number of car parking spaces is considered sufficient for the overall development, with parking facilities proposed as garages, driveways and visitor parking bays. A condition should be imposed to ensure that all garages and visitor parking bays are retained for parking to ensure they are not lost to habitable accommodation which would inevitably lead to overspill parking on the new internal adopted road. The layout has also been amended to address the technical requirements of the Street Design Guide, to provide adequate forward visibility, adequate turning areas and adequately sized roads and footways.
- 10.10 In conclusion, the proposal will be a sustainable form of development, will not cause harm to the existing highway network, provides sufficient car parking and poses no significant danger to highway or pedestrian safety.



## Housing Mix, Layout and Local Character

- 10.11 The application proposes a residential development comprising 9 detached four bedroom houses. The character of the immediate area comprises a mix of single storey bungalows and 2 storey houses of brick construction. It is noted that Core Strategy Policies H3 and H4 seeks to provide an appropriate density and housing mix on residential sites. Policy H3 seeks to achieve a minimum density of at least 30 dwelling per hectare on sites within smaller settlements such as Scholes. The current proposal for 9 dwellings achieves a density less than 30, given that the SAP has identified that 15 dwellings on the site is more appropriate. Following discussions with the agent, the desire to achieve a layout which provides 15 dwellings on the site is considered to be unrealistic and does not take into account the individual constraints of the site. For example, the recent serving of a Tree Preservation Order (and the need to avoid these trees and their root systems) and the separation distances required from existing residential properties to any new dwellings results in the net developable area being reduced. The requirement to provide 15 dwellings on site must to be balanced as well against the character of the area which includes a mix of house types. Furthermore, the provision of bungalows on this site, as the Neighbourhood Plan and local residents suggest, would not maximize the efficiency of the land, given the land take needed to provide bungalows. In any event, Scholes does contain a high proportion of bungalows already, and therefore the provision of detached houses would add and contribute to the housing mix within the village.
- 10.12 In terms of housing mix, it is noted that the scheme comprises exclusively 4 bedroom detached houses. Policy H4 of the Core Strategy requires a mix of 2, 3, and 4 bedroom properties. Whilst it is accepted that the proposal does not meet this policy, it is recognised that this is a small scale site where it may be difficult to achieve the required mix. In addition there is already a broad mix of housing accommodation and types within the local area. On balance, and taking other issues into consideration, the provision of 4 bedroom properties on this particularly site is considered to be acceptable.
- 10.13 In terms of design and layout, the scheme responds positively to the immediate context and provides a well laid out development of houses which front onto the main access road. The mix and design of houses reflects the mixed character of Scholes and is considered not to harm the character of the area. The design and scale of the dwellings are considered to be acceptable and takes the opportunity to improve the character and quality of the area, particularly with the retention of the oak tree at the site entrance and the majority of trees along the eastern boundary. The design and layout therefore is considered to comply with the relevant design policies, including the guidance within Neighbourhoods for Living and the NPPF.

## Trees and Ecology

- 10.14 A Tree Preservation Order has been served to protect the trees within and adjacent to the site. It is important that these trees and hedgerows are preserved and enhanced as a visual buffer and to encourage local wildlife habitat. The application did propose to remove an Oak tree within the centre of the site (T12). Following the receipt of a more detailed arboricultural survey, it was concluded that T12 (an Oak) was displaying major defects owing to a large tear wound resulting in swelling and two hollow cavities with decay. Given these defects and decay, the tree was removed from the TPO and its removal from the site has been demonstrated. Compensatory planting is also proposed along the eastern boundary to help mitigate its loss.

- 10.15 The proposed access road along the eastern boundary encroaches slightly into the root protection area of one of the Oak trees (T10). Whilst this is not ideal, the encroachment involves less than 20% of the root protection area as recommended by BS5837. Therefore, the potential harm to this tree is considered to be minimal. Furthermore, there is another line of mature trees immediately to the east which also runs in a north south direction which will also help screen the development.
- 10.16 Other mature trees on the edge of the site, including the mature trees in the south west and north east corners will remain, which contribute positively to the character of the area. The dwellings in these locations have been positioned well away from these trees and their associated root protection areas and canopies. This will ease pressure for potential removal in the long term. The layout also provides adequate scope for new tree planting and landscaping. This is achievable to the fronts of houses, along the eastern boundary and at locations adjacent to parking areas. This landscaping will help to screen and soften the impact of these parking areas.
- 10.17 It is considered that there is not detrimental impact on local ecology, including any identified species. The submitted bat survey indicated that bats were present on site and these include common pipistrelle and noctule bats. However, none of these were observed emerging from the trees proposed for removal and no specific bat roosts were identified. The Nature Conservation Officer is satisfied with the proposals subject to the imposition of conditions mentioned at the head of this report.

#### Drainage and flood Risk

- 10.18 The Local Plan and guidance within the NPPF seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The site is not within a flood risk area and it has not been known to flood. The Council's Flood Risk Management Team raises no objections subject to the imposition of a condition requiring the submission of a scheme detailing surface water drainage works, including hydraulic calculations. These details shall be consistent with the details set out within the applicant's Flood and Drainage Assessment.

#### Impact on Residential Amenity

- 10.19 Consideration needs to be given to how the proposed development will impact upon the living conditions of neighbours. Similarly, the development also needs to provide an acceptable standard of amenity for future residents in terms of internal dimensions, garden sizes, communal Greenspace and a well thought out design.
- 10.20 Each house benefits from an adequately sized private garden area which meet the minimum sizes set out within Neighbourhoods for Living. Some of these gardens range in length from 10.5m to 27m. The small area of greenspace towards the site frontage next to the retained oak tree is retained which provides an attractive entrance into the site. The development has also been designed to respect the privacy and amenity of adjacent new plots, to ensure that the living conditions of all new occupants will not be compromised.
- 10.21 The impact of the new development upon the living conditions of neighbouring properties also needs to be considered. The sheltered bungalows to the south within Belle Vue Road are set at a slightly lower level than the application site. Neighbourhoods for Living advises that the separation distance between rear elevation and side elevations is 12m. The distance between the side elevation of the house on Plot 1 and the rear elevation of the eastern most bungalow ranges from 11.5m at its closest point to 16m at its furthest point owing to the angled orientation. This relationship is considered to be acceptable so as not to create an overbearing

sense of enclosure result in significant loss of light. In addition, there are no side facing windows in the southern elevation of this house and therefore no loss of privacy will occur.

- 10.22 In terms of the impact on other properties which adjoin the application site, these include a mix of semi-detached bungalows and 2 storey houses. The street pattern is not uniform so the dwellings within Belle Vue Avenue are set at different angles to the site and vary considerably in distance to the proposed new dwellings. The dwellings on Plots 7, 8 and 9 are all located a sufficient distance away from the northern boundary and a substantial distance away from the houses which they back onto, and will therefore have little impact. The dwellings on Plots 5 and 6 are located close to the western boundary. Plot 6 includes an element which is not a full 2 storeys along its western elevation. The dwellings which it backs onto are also angled so that any impact is limited. Typical separation distances are from 13 – 17m, and therefore meet the guidance. Plot 5 is orientated in such a way that its side elevation is orientated similar to that of the existing dwelling to the west. No first floor windows will be inserted into the western elevation of plots 5 and 6, save for a small bathroom window in each house which would be obscured glazed. Permitted development rights will be removed via a condition to prevent the insertion of windows into this elevation in order to retain the privacy of neighbours. Whilst some loss of light will occur to the garden of some properties within Belle Vue Avenue early in the morning, due to the orientation of the dwellings the dwellings on Plots 5 and 6 will not reduce sunlight and daylight levels during the afternoon and late evening.
- 10.23 In conclusion, the proposals are fully compliant with the distances set out within Neighbourhoods for Living. It is not considered that the proposed development will be harmful to the living conditions of neighbours in terms of overlooking, over dominance and loss of light and therefore is considered to be acceptable.

### Representations

- 10.24 A number of objectors and the Parish Council express concern over the impact of the proposal on highway safety, the type of development, the mix and size of units, and loss of parking. It is considered that these matters have been addressed within the report. The comments raised by Ward Members, the parish council and residents relating to more suitable uses for the site such as sheltered accommodation are noted. The use of the site for bungalows and/or sheltered accommodation would be considered an appropriate use for this site. However, this is currently not a proposal before the Council and therefore the proposal for housing must be considered on its individual merits.

### CIL

- 10.25 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). Based upon the sizes of the dwellings, this would generate a contribution of £158,533. This information is not material to the decision and is provided for Member's information only.

## **11.0 CONCLUSION**

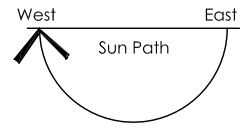
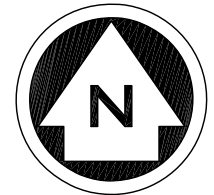
- 11.1 The application proposes a small residential development of 9 dwellings on a site which can be regarded as an infill site, or the "rounding off" of the settlement. This will make a small but worthwhile contribution to the housing supply. The design and layout is considered to be acceptable as well as the access, parking provision and impact on

the local highway network. The proposal would deliver additional housing and it would not result in any unacceptable loss of amenity or privacy for any existing resident. The application is therefore policy compliant and is considered to represent a sustainable form of development. The benefits of delivering new housing in this sustainable location are considered to outweigh any limited harm identified, and is therefore compliant with paragraph 14 of the NPPF. It is therefore recommended for approval subject to the conditions set out in the head of this report.

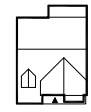
**Background Papers:**

Application file: 16/04310/FU

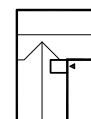
Certificate of Ownership: Certificate B signed and notice served on Leeds City Council and Anthony Craven Gilpin.



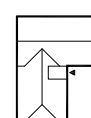
**SCHEDULE OF ACCOMMODATION**



Type A - 4 bed Detached. - 6 person  
net internal area 157.5m<sup>2</sup> 1695sqft  
7no.



Type B - 4 bed Detached - 6 person  
net internal area 175.7m<sup>2</sup> 1891sqft  
1no.



Type C - 4 bed Detached - 6 person  
net internal area 174.0m<sup>2</sup> 1874sqft  
1no.

**TOTAL AREA** 1452.2m<sup>2</sup> 15630sqft

tree T12 to be removed

existing hedgerow to be retained.

additional tree planting in mitigation  
for loss of tree T12

**Revisions**

- A 01.06.16 Additional notes and tree planting added.
- B 03.06.16 Roof lines amended.
- C 10.08.16 Plots 3,4,5 relocated.
- D 18.08.16 Plots 5 & 6 house type changed and location adjusted, access road re-aligned & plot 9 handed
- E 06.09.16 Minor amendments to plots 3,4,5 & 6.
- F 12.09.16 Tree root zones added.
- G 23.11.16 Road layout revised in accordance with comments received from Highways.

**PLANNING**



building homes • creating futures

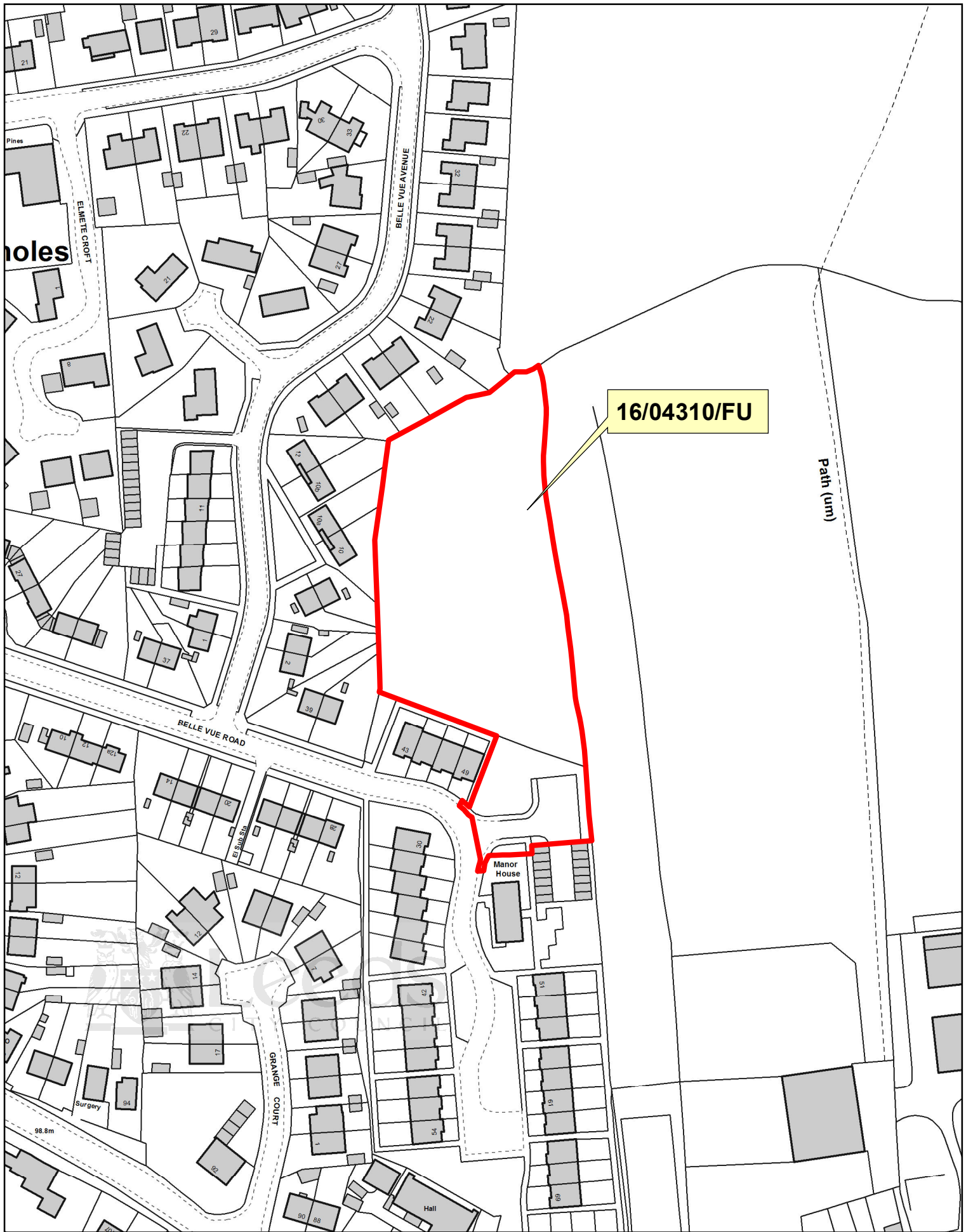
**Chartford Homes Ltd**

The Tannery  
91 Kirkstall Road  
Leeds  
LS3 1HS  
Tel 0113 237 2900  
Fax 0113 237 2901

Proposed Residential Development  
at  
Belle Vue Road  
Scholes  
Leeds  
-

**DEVELOPMENT LAYOUT  
OPTION B**

Area -	Drawing No. 060-PD-01
Date May 2016	Rev G
Scale 1:500@A3.	



# NORTH AND EAST PLANS PANEL



**Report of the Chief Planning Officer**

**Report to Plans Panel North & East**

**Date: 5<sup>th</sup> January 2017**

**Subject: 16/05622/FU – Change of use from a vacant retail unit (class A1) to a hot food take away (class A5) including a new shop front and installation of extraction/ventilation unit at 42 Main Street, Garforth, LS25 1AA.**

**APPLICANT**

Dominos Pizza UK & Ireland

**DATE VALID**

12 September 2016

**TARGET DATE**

6<sup>th</sup> January 2016

**Electoral Wards Affected:**

Garforth and Swillington

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. Time limit
2. Development to comply with approved plans
3. Opening hours 8 – 23.30
4. Parking spaces for delivery vehicles to be made available during opening hours
5. No amplified tannoys/music noise
6. Extraction equipment to operate below background noise levels
7. Bins detail including times to be agreed
8. Grease Trap
9. Details of shutters
10. Details of the colour of the flue to be submitted and agreed.
11. Details of a noise management scheme to minimise disturbance to local residents.

**1.0 INTRODUCTION**

- 1.1 The application proposes the change of use of vacant unit number 42 Main Street Garforth from a shop (A1) to a Hot Food Take Away (A5) with new shopfront and installation of extraction/ventilation equipment.

- 1.2 The application is reported to Plans Panel at the request of Ward Member Councillor Mark Dobson who feels that the proposal will adversely impact on health & wellbeing and is also concerned about the number of take aways on Main Street.

## **2.0 PROPOSAL**

- 2.1 The application seeks the change of use of the ground floor unit (last use A1) to a A5 use Hot Food Take Away (HFTA) with alterations to shop front and a/c units to the rear. There are two allocated parking spaces to the rear of the site.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The site forms part of a primary shopping frontage with the designated Town Centre (Garforth).

- 3.2 The application site is number 42 Main Street located towards the northern end of the parade and is vacant at present. Above there are offices which are accessed from a door to the side of the application site. The parade itself is a 1960s concrete flat roofed parade with a small horizontal canopy at first floor level. There are offices above at first floor. There is parking to the rear of the site for the parade which is privately managed. There is designated on-street parking along the site frontage on Main Street. Within the primary shopping frontage parade the present uses are:-

20 – A1 (Coop)  
22 – A1 vacant (was Travel Agents)  
24 – 26 - A1 (Pharmacy)  
28 – A1 (Charity shop)  
30 – A1 (Bakery)  
32 – A1 (Florist and Grocers)  
34 – A2 (Estate Agents)  
36 – A1 (Card Factory)  
38 – A2 (Leeds Building Society)  
40 – A1 (Hairdressers)  
42 – A1 vacant APPLICATION SITE (was fashion shop)  
44 – 54 – Sui Generis and D1 (Betting Shop and Dental Surgery)

- 3.3 To the rear of the site is the car park and beyond that are a number of residential properties.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 16/05930/ADV – Two Illuminated signs - pending as for signs for the change of use
- 4.2 48 Main Street, Garforth - 15/05351/FU – change of use from shop/college/Academy to Dental Surgery – approved 2nd November 2015
- 4.3 73 Main Street, Garforth - 13/01327/FU – change of use of ground floor sales shop to HFTA (A5). – refused 15 May 2013– allowed at appeal 6<sup>th</sup> February 2013.



4.4 42 Main Street, Garforth - 07/003276/FU – change of use of shop (A1) to A2 – approved 13/7/07 – it appears that this has not been implemented but no evidence has been provided.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 None

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was published by site notice dated 30<sup>th</sup> September 2016.

6.2 22 letters of representation plus the Garforth Neighbourhood Forum have been received, 21 objections and 1 of support and the following comments have been made:-

- Already plenty of HFTA in Main Street
  - Recent changes to bigger chains Greggs and Subway independents suffer as a result
  - Dominos in Oulton, Crossgates and Woodlesford can deliver
  - Wetherspoons being built doesn't need any further late night openers
  - Loathe seeing empty shops but needing new businesses that supports the community and its growth
  - Additional rubbish/litter dropping
  - Will be affected by smells and noise
  - Parking an issue in Garforth Car park closes after 6.30pm where they going to park
  - Thorpe Park will put further pressure on Garforth
  - Delivery vehicles bring more traffic
  - Envisage gathering of people
  - Not encourage daytime foot fall and less diverse Main Street will not attract shoppers
  - Against Leeds Vision 2020 and against Core Strategy (disagree with agents planning statement)
  - Promoting more readily available fast food
  - Should LCC support a multi-national?
  - Garforth in state of flux, new supermarket opening, added pressure
  - 'Main Deal' – helps local business
- 
- Excellent new addition
  - Employ locals

## **7.0 CONSULTATIONS RESPONSES**

7.1 Highways: In view of the existing commercial use and the site location within the Town Centre of Garforth a highway objection to this application would be difficult to justify. The use will have two off-street parking spaces at the rear which have been indicated as delivery parking within the applicants supporting information.

## 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.

### Development Plan

- 8.2. The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.
- 8.3 The site is located in the designated Garforth Town Centre and is in a designated primary frontage.
- 8.4 The following Core Strategy policies are relevant:
- General Policy 1 – Presumption in favour of sustainable development
  - SP1 – Location of development in main urban areas on previously developed land.
  - SP2 – Encourage vitality and viability of town centres.
  - P1 – Town and Local Centre Designations
  - P2 – Acceptable uses in and on the edge of town centres
  - P10 – High quality design.
  - T2 – Accessibility.
- 8.5 The following saved UDP policies are relevant:

- GP5 – General planning considerations
- S4 – maintain and enhance vitality, viability and availability.
- SF7 – Primary Shopping frontage
- Car Parking Guidelines (December 2015)

- 8.6 The following SPGs and SPDs are relevant:

- Parking SPD
- Street Design Guide
- Leeds Parking Policy Supplementary Planning Document (December 2015)

### National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.8 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.

## **9.0 MAIN ISSUES**

1. Impact on vitality and viability of Garforth town centre.
2. Highway impact
3. Residential impact
4. Design of shop front and external alterations
5. CIL
6. Representations

## **10.0 APPRAISAL**

### Impact on vitality and viability of Garforth town centre.

- 10.1 The site is located with the designated Garforth Town Centre and is also with a primary frontage under policy SF7. A HFTA is identified as an acceptable use in principle in this location in line with policy P2 subject to all other material considerations.
- 10.2 The primary frontage designation of the parade seeks to maintain where possible an A1 presence of 70% and a 30% non-retail presence with no more than 20% of continuous non-retail frontage. The highest proportion of the units, some of which are double fronted are in A1 uses within the parade, with a small proportion are non – retail, two units are A2 uses and a further two double unit are a betting shop and dental surgery, there are no A3, A4 or A5 units within this shopping frontage. Two units which include the application site are vacant and last use A1. This loss on an A1 unit in this parade is not considered to have a negative impact upon the vitality or viability on the Town Centre. The centre appears to be busy and thriving.
- 10.3 Therefore the present situation is 76.9% retail use and 24.1% non-retail and this falls within the above the policy requirement. The change of use of this vacant unit to A5 does not reduce it to under 30% non-retail uses and retains 70.2% in retail use. This is considered acceptable as it complies with planning policy and as there are no other hot food takeaway outlets within this designated frontage. It also brings a vacant unit back into use and has an occupier ready to move in which is more positive than leaving a unit empty which leaves only one vacant unit in the parade.

### Highway Impact

- 10.4 As reported the existing commercial use generates a parking requirement. In light of this and the availability of two parking spaces in the car park behind the parade of shops it is considered that a highway objection to the application would be difficult to justify. There is sufficient dedicated parking within the Town Centre. For these reasons, and noting there is nothing to suggest there are any significant highway safety concerns in the immediate vicinity of the site despite the concerns

which have been raised in the representations received, the highway impacts of the development are considered to be acceptable.

### Residential Amenity

- 10.5 There are residential properties to the rear of the car park in the form of bungalows which are over 21m away from the back of the building where the air conditioning extraction units are located. The car park is used through the day for customers, employees of the parade and users of the town centre. This car park is only open until 6.30pm. Nevertheless in order to protect residents from any adverse noise from the operation of the use a condition has been suggested that requires a noise management plan to be submitted and the agreed scheme to be implemented (this would address matters such of the use of the area to the rear of the shop by employees for socializing/smoking etc.). It is therefore considered that the proposed change of use would not have an adverse impact upon their amenity. An extractor flue is also proposed and this matter is addressed below.

### Design of shop front and external alterations

- 10.6 A new grey aluminium shop front is proposed which changes the front door to left hand side of the unit and not in the centre of the shop front. Its proposed design is considered acceptable in keeping with the existing parade. No external shutters are proposed but a condition can be added for clarity.
- 10.7 On the rear elevation it is proposed to replace the existing air conditioning unit with a new double one and extract duct will terminate via a louvre grille which will have modern carbon filters fitted.
- 10.8 The design of the new shop front and minor external alterations proposed to the rear are considered acceptable with regard to visual amenity.

### CIL

- 10.9 The development is not liable for CIL.

### Representations

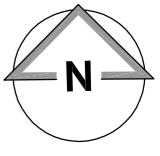
- 10.10 The main concerns about residential amenity and highway safety have already been addressed above. With respect to competition between other takeaway uses, this is not a matter which can reasonably be taken into consideration. In terms of the health agenda, whilst this is a material planning consideration, the Council does not currently have a policy which seeks to resist developments of this nature for this specific reason and other Councils have tended to only have success on this matter where endorsed by further policy guidance (often in the form of an adopted Supplementary Planning Document) which seeks to restrict the number and/or location of these types of uses. Accordingly a refusal due to health concerns is not advanced.

## **11.0 CONCLUSION**

- 11.1 It is considered, on balance, having regard to the commercial nature of the parade, the vacancy of the property and its wider context, that the proposal would not cause any significant residential amenity or highway safety problems and the loss of the unit from a retail use can be accepted in this instance. The proposal is therefore recommended for approval, subject to appropriate conditions which are required to ensure the amenity impacts of the development are acceptable.

**Background Papers:**

Application file:- 16/05622/FU, Application file: 48 Main Street file 15/05351/FU and Application file: 73 Main Street 13/01327/FU.



0 0.5 1.0 1.5 2.0 2.5m  
Scale 1:50

Proposed 400mm dia. fresh air intake wall grille (RAL 7043 Traffic Grey) above existing rear door

Proposed 500mm dia. oven extract duct to run internally at high level within unit, penetrating through side wall into service area, through wall into staff W.C. and wall grilles (RAL 7043 Traffic Grey) on the rear elevation, in the same position as the existing ventilation grilles. Carbon filters to be installed.

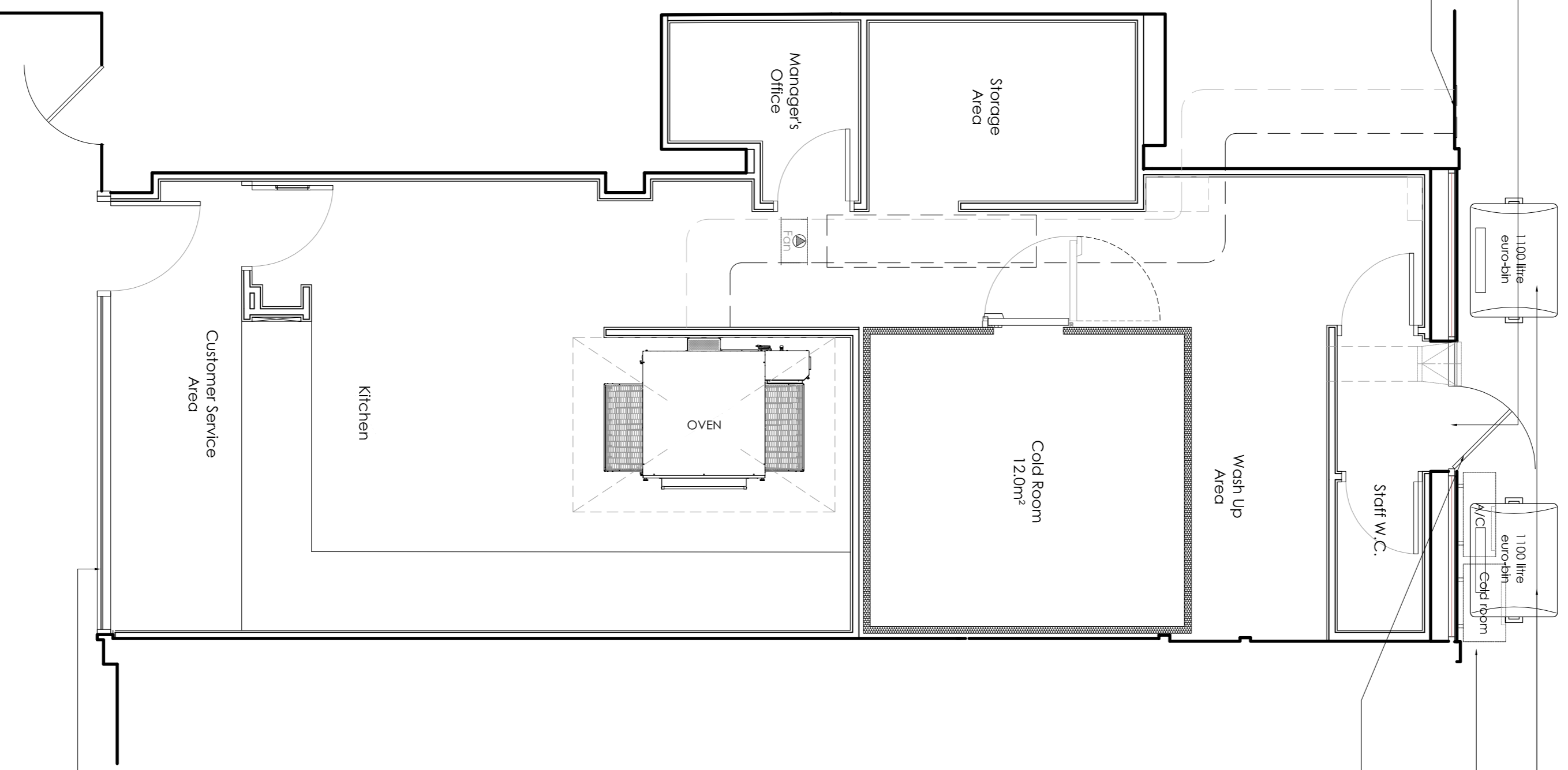
Rights of access for maintenance / repair to duct within landlords' area to be confirmed

1100 line  
1100 line  
1100 line  
Staff W.C.  
Wash Up Area  
Cold Room 120m<sup>2</sup>  
Kitchen  
Oven  
Customer Service Area  
Manager's Office  
Storage Area

2-no. bins to be stored in rear yard or existing

A/C and cold room compressors to be wall mounted at high level

Rear door retained with new access controls



Proposed new RFC aluminium shop front with new customer entrance door finished in RAL 7043 Traffic Grey. Under paint finish in RAL 9010 white.

**NOTES**

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- The drawing shall not be scaled to ascertain any dimensions. Work to be fixed dimensions only.
- The drawing shall not be reproduced without express written permission from AEW.
- The architect and AEW shall not be responsible for the accuracy or scale discrepancy of base drawings issued on Green Book or other drawings.
- The drawing is based on Green Book or other drawings.

**DESIGN HAZARD IDENTIFICATION**

- Proposed layout subject to Building Control approval of the strategy and access arrangements.
- Where only two lifts it is to be provided, no more than two members of staff may be permitted to be on the lifts at any one time. (In accordance with table 1, Welfare Regulations 1992)
- Asbestos survey/repair required prior to commencement

Area Schedule	Existing GIA	Proposed GIA
	91.7 m <sup>2</sup>	91.7 m <sup>2</sup>

REV	Date	Drawn by:-	Checked by:-
S2			

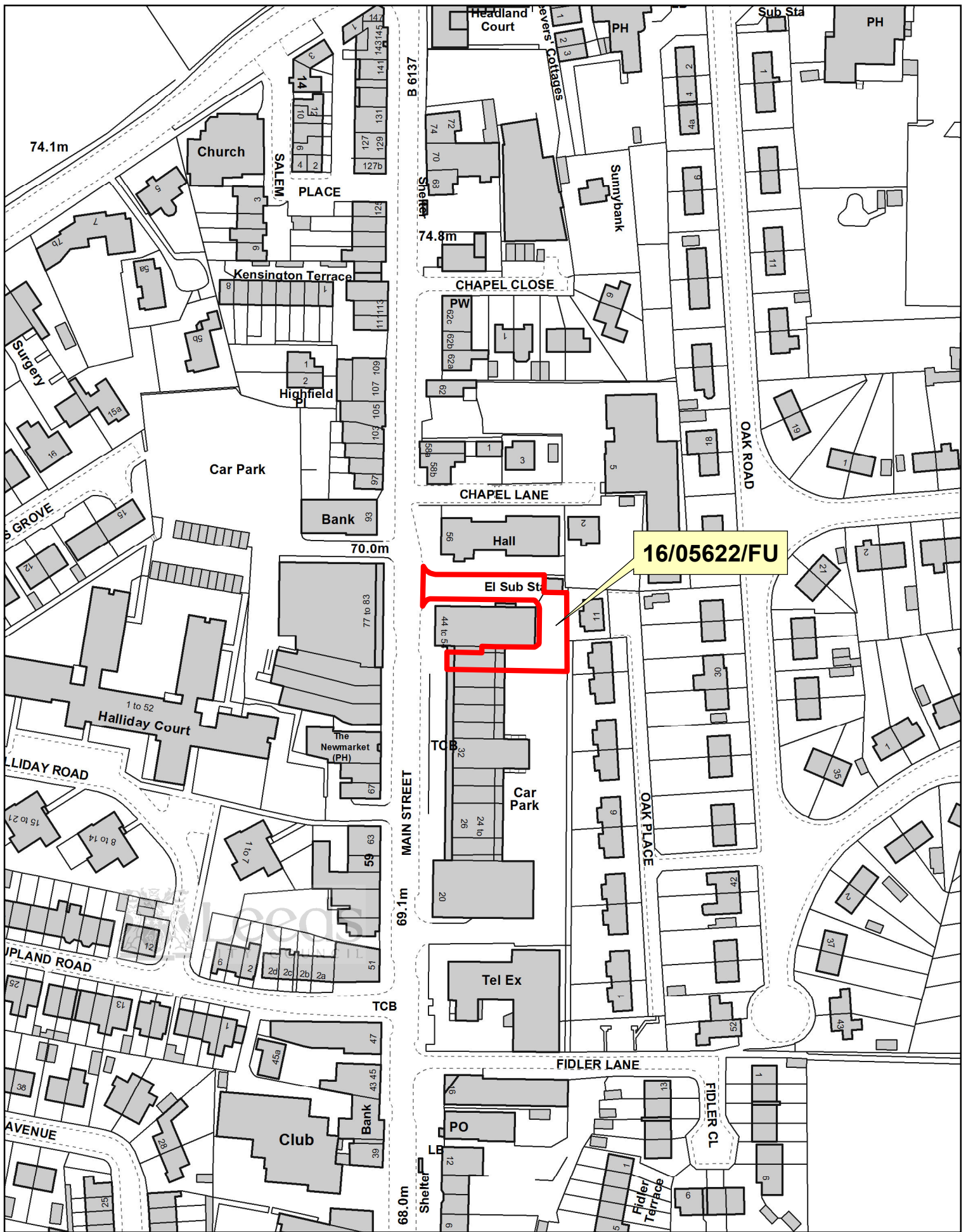
drawing stage: **Stage 2a - Change Of Use**

client: **Private Client**

project	stage
42 Main Street Gforth, Leeds LS25 1AA	1.6004

date	drawn	checked
02/08/2016	BSC	EOH
1:30		

drawing title: **Proposed GA**



# NORTH AND EAST PLANS PANEL



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