

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 4TH FEBRUARY, 2016**

**PRESENT:** Councillor N Walshaw in the Chair

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

### **136 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **137 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

### **138 Late Items**

There were no late items.

### **139 Declarations of Disclosable Pecuniary Interests**

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

### **140 Apologies for Absence**

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

### **141 Minutes - 7th January 2016**

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

### **142 Matters arising**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Ballam informed the Members that VBC had requested;

- Pest control plans
- Traffic plans
- Odour plans

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

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

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

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

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

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

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

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

In response to Members questions Mr Searles said;

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

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

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

Officers clarified a number of points for Members including;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Members discussed the followed issues and how to proceed:

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

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

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

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

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

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

Members were informed of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Contamination
- Coal legacy issues
- Drainage

Members discussed the following:

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

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

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

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

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



Photographs and plans were displayed at the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Members were informed of the following:

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

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

Members discussed the following;

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

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

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

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

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

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

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

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

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

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

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

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

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

The dimensions of the porch are:

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

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

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

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

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

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

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

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

Members were informed of the following:

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

The Panel were shown three design options.

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

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

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

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

### **153 Date and Time of Next Meeting**

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