

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 30TH JUNE, 2016**

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

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

The following sites were visited by Members on the morning of the Panel :

- 16/00749/OT – Miami Building, Lotherton Way
- 15/06002/FU – Hilltop Works, Buslingthorpe Lane

These were attended by Councillors Walshaw, Hamilton, Ritchie, McKenna and Wilkinson.

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

There were no appeals against refusal of inspection of documents.

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

There was no exempt information.

### **19 Late Items**

There were no late items.

### **20 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **21 Apologies for Absence**

Apologies were sent from Cllr. Cleasby and it was noted that Cllr. Grahame would be arriving late due to a previous engagement.

### **22 Minutes**

It was noted that point 4 of the minutes should read Cllr. Wilkinson declared a significant interest in Item 9 as his daughter and son-in-law own part of the land.

**RESOLVED** – That the minutes of the 2<sup>nd</sup> June 2016, were approved as a correct record.

## 23 Matters Arising

Members were provided with an update on 56 The Drive. An untidy land notice had been served on the applicant. Members noted that this had run out on 23<sup>rd</sup> June 2016. The officer present said that he had been to the property and all seemed to be tidy but he would be checking with officers that everything was in order.

Members were informed that a completion certificate dated 21<sup>st</sup> June 2016 had been received. However, the description referred to the shell only and clarification was being sought before sign off.

The Chair felt that the duty of the Panel should now be discharged with valuable lessons learnt.

Members received a verbal update in respect of items deferred from last Panel.

- Application for 3 houses at East Keswick – Discussions had taken place with the applicant's representative and it is understood that they intend to revise the scheme to just 2 houses. To date no new plans had been received.
- 3 applications for conversion of houses in Chapelton and Gledhow to Houses in Multiple Occupation. Further research had revealed a new source of information which gives a better understanding of numbers of HMO's in the area. Planners are now considering this information and whether that would change the recommendation that they put to the applications.

Members noted a request from Cllr. G Hussain to bring item 13, 29 Gledhow Lane, forward in the agenda. Cllr. Hussain was registered to speak but had commitments later in the afternoon.

## 24 **16/00876/FU - Change of use from retail (class A1) to hot food take away (A5) and installation of extraction flue at 8 Woodland Hill, Whitkirk, LS15**

This item had been deferred from the meeting on the 2<sup>nd</sup> June 2016. Minute 15 refers.

Members noted that Cllr. Hayden had raised concerns that the application had not been deferred for two Panel cycles as she understood had been agreed and the residents had not been notified the application was due to be considered on the 30<sup>th</sup> June.

Members were brought up to date on a number of concerns raised by Members:

- Two notices had been posted at and near to the location of the full 21 day period
- Another objection had been received raising concerns about cooking smells, increased traffic, noise and litter.

- The drainage issue had been checked. Risk Management were not aware of a problem, an additional condition to be added for a grease trap to be fitted.
- A licensing application had now been received to cover existing Chinese hot food takeaway for opening hours beyond 11pm.

Members and officers discussed the process of publicising applications and consulting with residents on matters of planning.

Members noted that sound proofing measures would be in place prior to opening.

It was noted that Cllr. M Lyons had objected to the application on highways related issues. An officer from Highways informed the Panel that this site already had commercial use therefore cannot object. Members had asked about parking permits for residents only but were informed that parking permits are only issued for large developments.

**RESOLVED** – That permission be granted as per the recommendations set out in the submitted report.

Cllr. R Grahame joined the meeting during this item.

**25 16/01124/FU - Demolition of existing outbuilding, conversion of existing buildings to two dwellings with associated parking and landscaping at 29 Gledhow Lane, Gledhow, LS8**

The application to demolish existing outbuildings and the conversion of existing buildings with associated parking and landscaping at 29 Gledhow Lane, had previously been to Panel on 1<sup>st</sup> October 2015. Minute 71 refers.

It was noted that Housing Standards listed at 10.15 of the submitted report was to be deleted as the proposed 2 units exceeded the standard space requirements.

Members were informed that the application sought permission for the conversion of buildings currently in use for light industrial purposes to 2 dwellings. The previous application had sought 3 dwellings but the application had been refused on grounds of over development.

The application had been revised and Members were informed of the following changes:

- 2 dwellings instead of 3
- Larger amenity space
- More car parking spaces per property
- No windows to the roof of the dwellings which over-look the property at the rear

It was noted that 33 Gledhow Lane may previously have used the forecourt for parking but had no rights to use the forecourt and would have to park on the street.

Members were informed that the applicant would send letters to the current tenants informing them of the plans for the site. He would offer a 4 month period of notice with 1 month free rent. In addition to this he would assist in locating new low cost premises for them and provide references to new landlords.

Photographs and plans of the proposed development were provided at the meeting.

During this item the Chair indicated that he was unwell and left the meeting at 2:20pm.

The Panel proceeded to nominate a new Chair. Cllr. Hamilton proposed Cllr. S McKenna to Chair with Cllr. J Procter seconding the nomination.

Cllr. S McKenna was elected to Chair for the duration of the meeting.

This item reconvened at 2.30pm with Cllr. G Hussain speaking against the application.

Cllr. Hussain drew Members attention to 6.2 of the submitted report which highlighted 20 letters of objections. The main points of concern were;

- Loss of 5 businesses
- The site is in a conservation area
- The neighbours were trying to get the buildings listed as they were of historical interest.
- The proposed dwellings were small
- The proposed dwellings had no windows or proper ventilation from the kitchens.
- Proposed parking spaces too small
- Custom and practice of 33 Gledhow Lane to park on the forecourt

Chris Atchison the agent for the applicant informed the Panel that, negotiations had taken place with planning officers, highways, and conservation officers. In light of these negotiations and taking into account the Panels comments the application had been revised with the smaller of the properties being removed.

He informed the Panel that sun tunnels would be used to provide light instead of roof lights to the rear.

To combat the issue of flooding there would be a mix of hard and soft landscaping. The developers would seek to improve the drainage and would provide all drainage information prior to starting any works.

In response to Members questions the Panel were informed that the applicant has worked with the tenants and neighbours. Mr Atchison said that the tenants had been formally notified when the plans were submitted. He also said that should the plans be successful the work would not commence for 12 months due to the applicants prior commitments. At the start of works the tenants would be given a notice period of 4 months to re-locate.

The Highways officer informed the Panel that commercial use currently means more cars in the vicinity therefore it would be better for the site to be residential with associated parking.

Members discussed the proposals taking into consideration all the points put to the Panel.

**RESOLVED** – That the Members resolved to grant permission subject to the specified conditions set out in the submitted report.

**26 16/00749/OT - Hybrid application food store (Full) and retail units and public house (outline) at Miami Building, Lotherton Way, Garforth, LS25**

The report of the Chief Planning Officer set out a hybrid application for full planning permission to erect a food store including associated access, parking and landscaping and outlined planning permission for retail development and a public house at the Miami building site, off Lotherton Way, Garforth.

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

Full permission is sought for a food store to be operated by Lidl. The Lidl store is to be substantially smaller than the supermarket permission already granted.

Members were informed that Lidl had a requirement to organise a jobs fair which they had confirmed that they are happy to do.

Members noted the following:

- Most of the trees on the site boundary were to be retained
- Proposed service vehicles only access to the site via Fusion Point as set out in the report.
- A pedestrian crossing to be incorporated into the road layout.
- Pedestrian access to and from site.
- Minor alterations required to road layout at Main Street, Garforth.
- Car spaces for 160 cars
- EV charging points to be installed
- S106 secured for employment, bus stops etc.

Members were informed that a briefing session had taken place with Ward Councillors M Dobson and S Field. They were supportive of the scheme and welcomed the addition of a Lidl to the area.

The ward Councillors had noted the Drainage Strategy and supported the suggested approach to undertake further investigations at the demolition / construction stage with respect to the potential cause of drainage problems in the neighbouring gardens. Results of this investigation were to be shared with the Garforth Flood Support Group.

Members discussed the following issues:

- Drainage problems
- Operator for the pub
- Type of pub
- Opening hours of the pub
- Delivery times to Lidl
- Landscaping

Members were informed that no operator had been found yet for the public house.

Members asked for more planting to be undertaken in the car parking area.

Members noted that it would be the responsibility of Lidl to maintain the tanks which alleviate the flood issues.

Lidl usually have one delivery per day.

Opening hours for the public house can be looked at and restricted.

**RESOLVED** – To defer and delegate approval of the application to the Chief Planning Officer as set out in the submitted report with a condition to be added requiring details of the opening hours of the Public House to be agreed.

Cllr. Procter left the meeting at the end of this item.

**27 15/06002/FU - POSITION STATEMENT - Demolition of existing mill buildings and construction of 228 new apartments in 5 buildings at Hilltop Works, Buslingthorpe Lane, Chapeltown, LS7**

This application had been submitted following the submission of a pre-application submission in 2013 where advice was issued by officers as to the proposal then placed before them for comment. The application lies in the Buslingthorpe Conservation area and forms part of a site identified for housing purposes on the emerging Site Allocations Plan.

A site visit had taken place earlier in the day and photographs and plans were displayed at the meeting.

Members noted that a late letter of objection had been received. The Leeds Civic Trust and The Victorian Society had given comments as listed at points 5.2, 5.3 and 5.4 of the submitted report.

Members were informed that a number of items would be retained as the site was of significant historical interest. The items to be retained included the brick chimney, high stone walls surrounding the site, the outbuildings and the cottage located at the western end of the site.

Members were informed of the following aspects of the development:

- The site to be made up of mixed housing
- Housing to be in 5 blocks
- There would be a two vehicle egress and access to the site
- Pedestrian access
- Car parking located under the blocks of apartments
- 40% Green space provision which exceeds policy requirement.
- All flats near the wall would be north facing but would retain light via holes 'punched' into the retained wall which would also allow future inhabitants to view the green space opposite
- The flats were uniform in design with a mill style design encouraged

Members were informed of a couple of outstanding matters which included:

- Highways issues – access via Scott Hall Road and adjoining site.
- Car parking capacity and movement
- Routes for emergency services access
- Still awaiting a report in relation to NPPF Standards
- Assurance of management

Matt Seddon the agent spoke to the Panel informing them that this site was close to the city and was a brownfield site.

He said that the development would be of high quality low cost housing. The architects had tried to retain the history of the site within the plans.

The development would be a mix of 1, 2, and 3 bedroom properties designed to reflect a traditional mill building.

In response to a Members query in respect of local amenities the Panel were informed that there were plans for a local shop close to the location and also looking at incorporating a gym in the scheme.

Members were unsure of the use of holes 'punched' into the wall and discussed this issue asking a number of questions relation to the wall being lowered or the block of flats being moved further away from the wall.

It was noted that the Panel welcomed the development of the site but had concerns with respect to traffic along Buslingthorpe Lane and the height of the wall to be retained.

It was also noted that the Panel would welcome more green space within the development and some local amenities.

**RESOLVED** – Members were asked to note the progress that had been made in the development of the submitted proposals from the initial submission and

their views of the various issues raised in the body of this report, and were requested in order to inform Officers of the direction in which to take the application for final determination.

1. Panel Members had no concerns regarding the principle of residential development of this site.
2. Panel Members considered the provision solely of flatted / apartment type development to be appropriate.
3. Panel Members were agreeable to the housing mix on offer.
4. Panel Members considered that the scale of the development to be appropriate, including the degree of subservience of the southern blocks in relation to the northern blocks and the increase in height over and above the existing buildings on site. However, they had concerns in relation to the block near the wall and requested that this be addressed.
5. Panel Members considered the design to be acceptable in itself of the various block apartments proposed taking into account the retention / inclusion of the cottage buildings at the western end of the site.
6. Members reserved their consideration of the loss of buildings pending the receipt of further information.
7. Panel Members agreed that the design of the proposed buildings in and of themselves would have a positive impact on the character of the conservation area noting that the scheme now incorporates a wider range of building scales reflecting the historic evolution of the development
8. Members reserved their position in respect of parking provision pending the receipt of further information, and the spaces need to be usable.
9. Members considered that the distance between the proposed blocks to be adequate to overcome possible concerns relating to privacy and overbearing impact on future occupiers of the scheme and their use of the incidental open spaces provided.
10. Members agreed that the scheme represents suitable on site greenspace provision notwithstanding the requirements of Policy G4 of the Core Strategy in this instance



11. Members agreed that the terraced form of space between the blocks including that area of land to the south of the site provides sufficient types of Green Space provision for future occupiers of the proposed development.
12. Members agreed that for a non-city type scheme that the level of daylight and sunlight penetration is considered acceptable and offers adequate amenity for future occupiers of the development. Members requested a caveat be put in place for distance between properties and the retained wall
13. Members agreed that these contributions should be pursued by officers in the determination of the application and the drafting of an agreement under section 106 of the Town and Country Planning Act.
14. Are there any further points that Members wish to raise at this time? Members requested that clarification should be sought who had responsibility for maintaining greenspace and access.

**28 16/01182/FU - Construction of A1 foodstore Land off Pelham Place, Harrogate Road, Chapel Allerton, LS7**

The Panel had received a pre-application presentation at the meeting held on 4th February 2016. Minute 152 refers

At the meeting on the 4<sup>th</sup> February 2016 Members agreed that the principle of a retail based development on this site was still acceptable and that the building located towards the rear of the site, and a design that was option 3 as part of Aldi's presentation, were considered acceptable principles in moving this site forward for development.

Members were informed that objections had been received from Ward Councillors with Councillor Rafique referring to an in principle objection. However, concerns have been expressed in separate correspondence over the means of access in particular in relation to school children walking to and from St Matthews C of E Primary School.

There had also been an objection from the Chair of Governors from St Matthews C of E relating to the same issue. They are of the opinion that some form of priority should be given to pedestrians. Officers are of the opinion that the safe-guards already negotiated, the inclusion of a pedestrian refuge along with the provisions of a crossing for Harrogate Road are sufficient to meet this.

Members were informed that 136 actual objections had been received and one standard letter of support had been received signed by 104 supporters.

Members noted a change to the recommendation to delete the last entry under section 106 agreement details referring to a commuted sum payment

for the maintenance of public realm sitting of area adjacent to Yorkshire Bank and insert a condition requiring a detailed management plan for the future of this area.

Mr Collins a Member of CANPLAN attended the meeting informing the Panel of the following:

- There had been no contact from planners
- The area had been identified as a conservation area
- The application had split the community
- The proposed building although single storey would be 10 metres high
- The building would not add to the street scene
- Previous application by Morrisons supermarket had been refused because they had sought to build the rear of the site.

Mr B Taylor then addressed the Panel informing them that he had lived in Chapel Allerton for a number of years and as far as he was aware no local traders had made any objections. He said that there was plenty of parking and extra spaces would be better as they could be used by customers visiting the local shops.

Mr Ward was of the view that the new layout of the road would be better although he still waited for clarification of some aspects. He said that he realised that the area was classed as a conservation area but Chapel Allerton was not a Yorkshire Village.

In response to Members questions the Panel was informed that parking would be restricted to 2-3 hours but open for use after the store had closed.

Members were shown where the access point was in relation to the primary school and were informed that an addition crossing could be installed.

Members discussed the impact on character of conservation area, highways layout, parking, and design of building.

**RESOLVED** – To defer and delegate approval to the Chief Planning Officer as set out in the submitted report with the following amendments:

- The clause in the Section 106 Agreement in respect of a commuted sum for highways works and maintenance (in respect of public open space provision) to be deleted.
- A condition to be added to require details of a scheme for the design, delivery and maintenance of public open space to be submitted for approval

**29 16/02448/FU - Increase height of boundary wall at Ling Beeches, Ling Lane, Scarcroft, LS14**

This application sought permission to increase the height of the front boundary wall at Ling Beeches, Ling Lane, Scarcroft.

The application was brought to Plans Panel at the request of Cllr. R Procter who raised concerns in relation to the visual impact of the development.

The application sought consent to increase the height of an existing 1m high boundary wall. The wall had been recently constructed under permitted development rights. The proposed wall would measure 1.7m in height and the pillars 2.1m in height. The pillars near the access point would measure 2.4m in height.

Members discussed the following points:

- Roots of TRO's
- Responsibility of grass verges
- Height of walls on neighbouring properties
- Why increase the height of the wall

In response to Members discussions they were informed that:

- The TRO Officer had been to inspect the trees but was unable to determine if the roots would suffer damage
- Cllr. Wadsworth provided clarification in relation to maintenance of verges
- Cllr. J Procter provided some background to the area and the type of walls and fencing used in the past.
- It was thought that the increase in height of the wall was for security reasons.

**RESOLVED** - That permission be granted as set out in the submitted report with additional conditions that any gaps in trees be filled in or if necessary be replaced.

Cllr. J Procter re-entered the meeting during this item and provided information to the Panel on the area. He did not take part in the voting as he had not been present at the start of the item.

**30 16/01027/FU - Demolition of former care home and construction of flats with parking at 576 Harrogate Road, Moortown, LS17**

This application was to demolish the former care home and the construction of five flats with parking.

This application had been requested to be reported to Plans Panel by Councillor Buckley. The reasons being loss of privacy, dominance, loss of light, Yorkshire Water drainage, trees and landscaping, design and parking.

Members were informed that the proposal was for 5 flats in one block. The block would comprise of three storeys with one flat located in the roof space.

Residential parking for 8 car spaces to be located to the rear of the building this would be a covered area. Three spaces to be provided at the front for visitors. It was noted that the access was to be relocated from the centre of the site to the side with access and egress for two vehicles.

Members were informed that the current building had been used as a care home and had been extended in an adhoc way.

The original proposal had been for 6 flats but officers had negotiated to 5. It was noted that the second floor bathrooms would use obscured glazing.

Two residents spoke at Panel and informed Members of the following concerns:

- Breach of privacy as the windows are close to the boundary
- Landscaping not maintained
- Not sufficient parking for number of properties

Members were shown photos and plans at the meeting. They discussed the following issues:

- Parking and the impact on the neighbouring area
- The amount of proposed hard standing
- Overdevelopment
- The proposed carport
- The relocation of the access point
- Dominance of the proposed development on neighbouring properties
- Impact on the character of the area
- Boundary treatments

**RESOLVED** – Members resolved not to accept the officer recommendation to grant planning permission and resolved that planning permission should be refused for reasons relating to overdevelopment and harm to the character of the area. The suggested reasons to be reported back to the next Plan Panel for Members consideration.

### **31 Date and time of next meeting**

The next meeting will be on Thursday 4<sup>th</sup> August 2016 at 1:30pm.