

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 9TH MARCH, 2017**

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

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

### **SITE VISTS**

The Panel site visits were attended by Councillors Walshaw, Nash, Hamilton, Ritchie, McKenna, Wilkinson, and B. Anderson.

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

There were no appeals against refusal of inspection of documents.

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

There were no exempt items.

#### **125 Late Items**

There were no late items.

#### **126 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests. However, Cllr. S Hamilton declared that she knew the applicants of Item 11 – 16/04533FU – two storey/single storey side /rear extension; to include garage to side at 36 Buckstone Crescent, Moortown, Leeds, LS17 5HU were constituents of her ward and that she had met them.

#### **127 Apologies for Absence**

Apologies for absence had been received from Cllrs. Ron Grahame and John Procter.

Cllr. E Nash was substitute for Cllr. R Grahame and Cllr. B Anderson was substitute for Cllr. J Procter.

The Chair informed the Panel that Bob Moody and Steve Bennett were present at the meeting as assessors.

## 128 Minutes

The minutes of the North and East Plans panel held on 9<sup>th</sup> February 2017 were approved as a correct record.

## 129 Application 16/06904/FU - Retrospective application for a detached metal storage container for storing football equipment at St Matthews Church of England Primary School Sports Field, Stainbeck Lane, Meanwood , LS7 3QR

The report of the Chief Planning Officer brought an application for a detached metal storage container for storing football equipment at St Matthews Church of England Primary School sports Field, Stainbeck Lane, Meanwood, Leeds LS7 3QR.

It was noted that there were amendments to the report as follows:

- a) Condition 1 to refer to 12months
- b) That the application was not retrospective

The application sought planning permission for the placement of one metal storage container. The metal container is approximately 6metres in length, 2.5 metres in width and 2.6 metres in height and painted dark green.

Members were informed that the field was used by an amateur football club and by Mt Matthews Church of England Primary School and Chapel Allerton Primary School.

The Members noted that Sport England had made no objections. However there had been 14 objections received from local residents who objected to the proposal and an amended proposal to reposition the container. The objections relate to the container creating an eyesore, damage to tree, anti-social behaviour including people urinating against the container and noise disturbance and parking issues on the surrounding highway networks. Concerns had also been raised in relation to the fact that the land is owned by the Council and this had not been properly leased nor was the club paying any fees. The proposed re-siting of the container did not address any of the previous concerns and if sited close to the footpath would create a community safety issue and act as a litter trap.

Members were informed that the location of the container on the South West of the site near Henconnor Gardens was a conspicuous feature not acceptable in planning terms as there was no relief across the frontage to soften the impact of the container. Members were advised that the proposed relocation of the container to the north of the field would be approximately 16 metres from Henconnor Garth making it less prominent. It was proposed that the relocation site be for 12 months to allow the applicant to seek a more permanent solution for the container.

Miss Carter one of the objectors was present at the meeting and informed the Panel of the follow points:

- That the field was used by St Matthews and Chapel Allerton Primary schools
- That the container had damaged some of the trees on the field
- There was limited parking and that when the football club trained or played there was an issue with parking.
- The container was an eyesore
- People had been seen urinating against the container
- That the field is located close to the Police station and that the police had attended the community meetings and had attended the area when football matches taking place on a Sunday
- The ginnel close to the playing field and the container was a security hazard and had the potential to become used for anti-social behaviour. The ginnel was not brightly lit
- If the container was sited near Stainbeck Lane this would be better as it would be away from residents

Mr Spellacy representing the applicant attended the meeting informing the Panel that it was the intention of the club to build a small shed type storage with a toilet in it.

He informed the Panel that the container for storage was beneficial to the schools and the club as the schools use the equipment during in the week.

He said that the container was used to stop the equipment from being vandalised. He explained that the club and the schools share the costs of the playing fields.

Mr Spellacy said that the season was almost at an end and that the club would work towards getting something more suitable for all parties.

Members requested that this issue to be resolved as soon as possible with all parties. Members noted that the field was well used and that there had been no complaints to Police in relation to anti-social behaviour.

The Panel requested that the replacement building be substantial and that it be painted grass green to blend in with the setting.

**RESOLVED** - That the Panel grant temporary permission for 12 months and subject to the specified conditions as set out in the submitted report.

**130 Application 16/06911/FU - Change of use of land to traveller pitch with detached utility block and associated works, retrospective application for laying out of hardstanding land off Hollinhurst, Allerton Bywater, WF10 2HY**

The report of the Chief Planning Officer requested North and East Plans Panel to consider the application for a change of use of land to traveller pitch with detached utility block and associated works, retrospective permission for

laying out of hardstanding at land off Hollinhurst, Allerton Bywater, WF10 2HY.

The presenting officer provided the Panel with additional information as follows:

1. In the recommendation an additional condition requiring the submission of a scheme relating to the re-instatement of the area of Green Belt including how the brick wall is to be dealt with within 28 days of the issuing of any permission and its implementation to be carried out before the end of the first planting season following approval of the scheme to re-instate the land.
2. Objection in writing received from Ward Councillors for Kippax and Methley; Cllrs. Harland, James Lewis and Wakefield objections relate to the following:
  - Highways – Access and increased number of vehicles to the site
  - Visual Amenity – reference to previous decisions for dwelling house on the site, in particular the Appeal Inspectors Comments regarding the visual impact of the proposals
  - Neighbourhood Amenity – noise from generators and concerns about refuse management
3. A further objection from a local resident who was not able to attend the meeting had been received on potential abuse of the site through occupation by more than the intended people, crime, anti-social behaviour, devaluation of existing properties and extra pressures on local services such as education and medical services
4. A further objection from a local resident who had already submitted an objection was received following the publication of the report on the Council's Web site comments in that objection refer to:
  - Reference to the site plan submitted shows it is clear that it will not allow parking, a day room, 2 caravans and a mobile home without moving the fence and encompassing more land or encroachment onto the green belt
  - Re-asserts that the applicant is selling his safeguarded site to a property developer and that this site is for relatives
  - That the report is full of half truths
  - That the hardcore was put down on 2<sup>nd</sup> August 2016 and was witnessed to be being carried out by the applicant and two young men
  - That the refused applications for dwellings were rejected on highway grounds due to traffic increases
  - That there was no equality when proposals for single houses were turned down for caravans and how was that in keeping with the area?
  - Para 4.7 of the submitted report makes the comment that the proposal is small in scale but yet the applicant had found the contact details of the owner of another piece of land and shown an interest in purchasing that

- That the report referring to the area as low-noise level area is inaccurate and that it is a no noise level area at night and a large generator would cause problems close to existing houses
  - That the report is wrong at 10.19 describing the site as a small discreet site as the caravans and large gates can be seen from Leeds Road, a number of houses including the sheltered complex and it is feet away from the objectors front garden and is adjacent to ancient woodland and wildlife in that woodland
5. It was noted that confirmation had been received that if the site is allowed it would contribute towards the pitch requirements for Gypsy and Traveller provision within the Core Strategy
  6. Sewerage connection is 30metres from the site and the levels of drainage / runoff should be well within acceptable levels.
  7. An application had been made to Northern Power Grid for a mains connection to the site
  8. It was unknown what the applicant intends to do in regards to Council Tax payment to allow collection of refuse so a suitably worded condition as per the recommendation is suggested
  9. It was also noted that confirmation had been received that the family structure outlined in the submitted report was accurate and with the exception that the baby had now been born.

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

Members were advised that the application comprised a change of use of the land to a travellers pitch for a static mobile home, pitches for two touring caravans and a brick built utility building towards the front of the site. It was noted that the application related only to the area of land that lies outside of the Green Belt and not to the whole curtilage owned by the applicant.

Members were informed that the static mobile home was for the parents and that the two touring caravans were for the use of family members as bedrooms. The utility block would be used for cooking and toileting and would be connected to the mains services for power and drainage purposes.

Members were advised that the applicant did not intend to carry out any business activities from the site and would only use the pitch for residential purposes to settle his family who through personal circumstances had found it necessary to relocate from the South of England.

Members noted that hardstanding had already been laid and that fencing and gates had been erected.

Councillor Mark Dobson, Garforth and Swillington ward, and Cllr. James Lewis, Kippax and Methley ward were present at the meeting and spoke against the recommendations highlighting the following points:

- There was a need for traveller provision within the site but needed to carefully consider the location
- Highways issues highlighted for a previous application for a single dwelling bungalow that was refused including concerns on transport grounds
- The highways issues in relation to increased traffic of 3 generations of family
- Sheltered housing close by
- Parking issues
- Visibility going out on to Leeds Road from site
- No clear indication of utilities to the site
- Amenity space within the site
- Materials to be clarified for fencing etc.
- Location close to green belt boundary
- Need clarification in relation to the touring caravans and if they would permanently occupy the site
- The proximity to residential properties in relation to noise nuisance
- Noise caused by generator

The Panel also heard from the Dr Ruston the applicant's agent who informed the Members of the following points addressing some of the concerns that had been raised:

- Highlighted 10.6 of the submitted report saying that Highways had not considered the increase in vehicular movement that a single unit of residential accommodation albeit for an extended family would generate to be materially significant
- That each application should be addressed on individual merit
- That the applicant would be subject to and would pay Council Tax for services such as refuse collection
- Policy H7 in relation to Gypsy /Travellers was quoted and advised that the application met tests in line with Policy H7
- That the touring caravans were to be used as bedrooms for the extended family members and would during school holidays be absent from the site. The explanation for this was that when traveller families settled their children would attend local schools
- That the site would not be used for business purposes and that parking of vehicles would be within the site or on the roadside, similar to parking of trades persons' vehicles outside residential properties.
- The noise from the generator may seem louder due to the echo caused by the surrounding properties
- The site would be linked to the mains electric and water supply
- The constraints of the site did not allow for the layout to be changed or encroachment into the green belt
- The site was a good location for transport, schools and local amenities

The agent also suggested that should the Panel be of a mind to approve the application he said that they could consider a condition under the Site Delivery Scheme which he said would give control to Leeds City Council should the applicant breach the application.

Members discussed the following points:

- Whether the site was suitable in size given that there would be two touring caravans, a static mobile home, utilities building, and vehicles
- Parking provision for visitors
- Occupancy levels at the site
- The height of the fence and the fact that this could cause isolation from the community
- Highway safety
- The noise levels of people moving around the site
- Amenity space within the site
- Landscaping to soften the frontage of the site
- External lighting on the site
- Space in between the caravans and the risk of fire hazard
- Fuel storage for the generator
- Access and egress not suitable for touring caravans
- Encroachment on to green belt
- The letters of objections

Highways informed the Panel that the wall which restricted visibility at the time of their visit was to be removed and re-sited. It was noted that it was a low speed area leading out to the Leeds Road and that no accidents had been recorded in the last 5 years along the access route and at the junction. It was also noted that following the previous refusal at the site which included highway concerns, improvements had been made to road and that the road had now become adopted, and its junction with Leeds Road had been buildouts marked out to improve visibility. Policy changes were also noted with the officer commenting that the traffic impact from the proposal was not considered severe in the context of NPPF.

Due to the complexity and sensitivity of the application the Chair suggested that the Panel consider the following options:

- a) Recommend as set out in the submitted report but with amendments to conditions
- b) Defer for 1 cycle in order to gather more information
- c) Overturn the recommendations and refuse the application

At the conclusion of the discussions Councillor Nash moved a motion to reject the recommendations as set out in the submitted report, so that the application be refused. The motion was seconded by Councillor Cleasby. On being put to the vote, Councillor Nash's motion was passed, and it was

**RESOLVED** – Members resolved not to accept the officer recommendation to grant planning permission and that a further report be presented to the next Panel meeting setting out suggested reasons for refusal based on the over-development of the site and that the development failed to provide an adequate level of amenity for the occupiers.

**131 Application 16/02759/FU - 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 sought full planning permission for a mixed use site consisting of 5 retail units that would be accessed from Buslingthorpe Lane.

Members noted that the position statement for this development had been brought before this Panel on 1<sup>st</sup> December 2016, and that the principles of the application had been agreed. Minute 94 refers.

However, Members had raised a number of concerns and requested further information. The submitted report addressed the issues of concern and provided further information. The main issues to be addressed were listed at 9.1 of the submitted report.

The presenting officer addressed the following issues:

- Joint access to adjacent site
- Parking provision
- Impact on existing highway network
- Electric Vehicle charging points and parent parking spaces
- Use of photovoltaic panels / low carbon technologies
- Signage
- Materials to entrance doors frame features
- External lighting
- CIL

Members were informed that West Yorkshire Police had recommended that security facilities be installed such as lockable barriers to reduce and prevent anti-social behaviour and the use of HD CCTV systems and a reasonable level of illumination.

Members were advised that Yorkshire Water were not objecting as a condition to cover drainage was included.

Members were provided with clarification in relation to the recommendation of the Environment Agency.

Members were advised that marketing of the site had already started and that building works would start as soon as possible.

**RESOLVED** – That the Plans Panel resolved to defer and delegate approval to the Chief Planning Officer subject to the conditions set out on the submitted report, and that condition 16 to require the provision of CCTV, and the prior completion of a section 106 agreement to cover the following:

Draft minutes to be approved at the meeting  
to be held on Thursday, 30th March, 2017



- Travel Plan and monitoring Fee of £3,630
- Local Employment and Training opportunities

**132 Application 16/03161/FU - Detached classroom block SLP College, Main Street, Garforth**

The report of the Chief Planning Officer requested Members to consider an application for a detached classroom block at SLP College, Main Street, Garforth.

Members were reminded that the application had been brought to North and East Plans Panel on 1<sup>st</sup> September 2016. Minute 55 refers. At the time Members had resolved to defer the application until clarification was obtained on matters set out at 1.1 of the submitted report.

Members were informed that the applicant had sought to provide responses to Panel Members queries and provided further information to allow for full consideration of the application proposal.

Members were advised of the information provided as follows:

- The college has 35 parking spaces on site for use by staff
- Operating hours of the college are;
  - 07.30am – 23.00 weekdays
  - 08.00am - 22.00 Sunday
- Student capacity would be 130 and Condition 7 dealt with hours of use of the classroom to be 08.30am – 18.00 hours
- Rotation of the building by 90 degrees to allow windows to frontage of building
- Acoustic measures have been taken and a condition against noise problems had been set out in the submitted report
- No exams be taken in the detached classroom as there would be no toilet facilities
- It was noted that the SLP is both a college and a dance school

**RESOLVED** – The Plans Panel resolved to approve the application subject to specified conditions as set out in the submitted report.

**133 Application 16/04533/FU - Two storey/ single storey side/ rear extension to include garage to side at 36 Buckstone Crescent, Moortown, LS17 5HU**

The report of the Chief Planning Officer requested that Members consider an application for a two storey/ single storey side /rear extension, to include garage to side at 36 Buckstone Crescent, Moortown, Leeds, LS17 5HU.

The application was brought to Plans Panel by Cllr. Dan Cohen. The concerns raised were that the proposal was too large for the plot and was dominant in

the street scene, out of character, would result in increased parking in the local area, and had raised concerns about the access into the garage.

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

The proposal was set out at 2.1 and 2.2 of the submitted report. Members noted that the dwelling was a 1930's semi-detached property within a large corner plot which allowed for a large curtilage.

Members were informed that the applicant had previously applied for planning permission to split the plot and build a detached house to the garden. The relevant planning history was provided at paragraph 4.0 of the submitted report.

Members were advised that the purpose of the extension was for a disabled member of the family. It was noted that the application focused only on the extension and that the application did not focus on the internal changes to the property in relation to widening of doors.

Clarification was provided on the size and width of the extension due to the size of the plot.

The comment of the Parish Council was noted.

It was noted that the applicant had submitted a letter following letters of objection to address the concerns of local residents and these were included within the appraisal section set out at paragraph 10 of the submitted report.

Members noted that any potential sub-division would require the benefit of planning permission.

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

Cllr. B Anderson left the meeting during this application

**134 Application 15/06738/FU - Retrospective application for double garage with gym, snooker and cinema rooms above at Ling Beeches, Ling Lane, Scarcroft, LS14 3HX**

The report of the Chief Officer asked Members to note the appeal decision on a retrospective application for double garage with gym, snooker and cinema rooms above at Ling Beeches, Ling Lane, Scarcroft, Leeds.

The application had been before the North and East Plans Panel on 7<sup>th</sup> April 2016. Minute 178 refers

Members were reminded that the planning application had been recommended for approval by officer's, however the North and East Plans Panel resolved to refuse permission for reasons relating to the harmful impact the development would have upon the living conditions of the neighbouring dwellings by loss of privacy, loss of sunlight and daylight: and by way of over dominance. It was also considered that the proposal, due to its scale and design, formed a disproportionate and unsympathetic addition when compared to the main dwelling. The Council served an Enforcement Notice requiring the demolition of the building.

The applicant lodged appeals against the refusal of permission and the service of the enforcement notice.

Members were informed that the key issues identified by the Inspector were the effect of the building on; first the amenities of the neighbouring residents, and second, on the character and visual amenity of the area.

Members had been provided with a summary of the Inspectors comments a paragraph3 of the submitted report.

The Group Manager highlighted the following comments of the Inspector:

- The Inspector had noted that the plans showed the eastern windows being blocked and accepted that this would overcome any concerns relating to overlooking issues.
- The Inspector imposed a condition that required the building to be completed in accordance with the approved drawings
- The Inspector had noted the scale and proximity of trees within the site and said that they cast a shade over the neighbouring residential properties in the afternoon sun as it set in the west. The Inspector suggested that the building was also shaded by the trees and did not cast any shadow outside of those cast by the trees. Therefore there was no loss of sunlight or daylight on neighbouring properties.
- The Inspector noted the size and bulk of the building in relation to the main dwelling but did not find that it was in completion given the size of the plot in which it sits.
- The Inspector stated that there was nothing particularly offensive in the design of the building and stated that the three dormers on the front of the building were symmetrically positioned. He was of the view that they were not dominant or prominent.
- The Inspector described the building as functional and as being appropriate for its purpose and ancillary to the residential use of the dwelling.
- The Inspector was of the opinion that the vegetation on the site effectively screened the building from Ling Lane.

Members were informed that the planning appeal was allowed subject to conditions by letter dated 1<sup>st</sup> February 2017. In light of the Inspector's decision in respect of the planning appeal the Inspector quashed the enforcement notice and the enforcement appeal was allowed and planning permission therefore was granted for the building.

**RESOLVED** – That Members note the appeal decisions.

**135 Date and Time of Next Meeting**

The next meeting of the North and East Plans Panel will be 30<sup>th</sup> March 2017 at 2:30pm.