

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 9TH FEBRUARY, 2023**

**PRESENT:** Councillor J Akhtar in the Chair

Councillors N Sharpe, B Anderson, E Flint,  
A Lamb, H Bithell, D Jenkins, P Wray,  
D Cohen and A Maloney

### **SITE VISITS**

The site visits were attended by:

CLRs: Akhtar, Sharpe, Anderson, Flint, Bithell and Lamb.

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

There were no appeals against refusal of inspection of documents.

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

There were no exempt items.

#### **57 Late Items**

There were no late items.

#### **58 Declaration of Interests**

Agenda Item 7 21/05225/FU – Erection of petrol filling station with ancillary shop and food outlet, car wash, electric charge points, air and water lines, ATM, underground fuel tanks and parking at Land Off Privas Way, Wetherby, LS22 6RN

Cllr Lamb said that he was going to recuse himself from the Panel as he had expressed some strong views about the application. He said that he was going to speak in objection to this item.

Agenda Item 8 22/04991/FU – Realignment of the existing stone wall to facilitate vehicle and pedestrian improvements to Bramham Road. Erection of two outbuildings. Replacement of an existing timber fence with a new stone boundary wall and gate pillars. Replacement of an existing single storey extension to Corner Cottage. Change of use of land to parking, with associated hardstanding/landscaping at Corner Cottage, 2 High Street, Clifford, Wetherby, LS23 6JF

Cllr Lamb declared an interest as he had referred the application to the Panel. He said he had an open mind on this application, and would be returning to the table for discussions.

## **59 Apologies for Absence**

Apologies were received from Cllrs Midgley and Stephenson.

Cllr Maloney was in attendance as substitute for Cllr Midgley and Cllr Cohen was in attendance as substitute for Cllr Stephenson.

## **60 Minutes - 12th January 2023**

**RESOLVED** – To approve the minutes of the meeting held on 12<sup>th</sup> January 2023 as a correct record with the following amendment.

Minute 53 - 22/05836/FU - Part retrospective application for part two storey side and rear extension; part first floor rear extension; dormer windows to rear at  
43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF.

Page 15 under Member's discussions bullet point 7  
To now read – 'Clarification on planning history and enforcement action was provided to the Panel. The enforcement notices should have been complied with by 4 February 2023, which required the removal of the dormers'.

## **61 21/05225/FU – Erection of petrol filling station with ancillary shop and food outlet, car wash, electric charge points, air and water lines, ATM, underground fuel tanks and parking at Land Off Privas Way, Wetherby, LS22 6RN**

The report of the Chief Planning Officer set out an application for the erection of a petrol filling station with ancillary shop and food outlet, car wash, electric charge points, air and water lines, ATM, underground fuel tanks and parking at land off Privas Way, Wetherby, LS22 6RN.

Members had attended a site visit earlier in the day and slides and photographs were shown throughout the presentation.

The Panel were provided with the following information:

- The application was presented to the Panel at the request of the Wetherby Ward Members, Cllrs Lamb, Richards and Harrington on the grounds set out at Paragraph 1 of the submitted report.
- The application site is a triangular plot of land set between the A1(M) and the A168 just outside the town of Wetherby. The site is designated rural land under UDP saved policy RL1. The site is also within the

designated Strategic Green Infrastructure associated with the River Wharfe, as set out under policy SP13 of the Core Strategy and the Leeds Habitat Network, as designated under policy G9

- Street lighting is switch off at midnight until 5.30am
- The only existing access from Privas Way is to the attenuation pond and the proposal is to create two new vehicular accesses through existing vegetation.
- The site is currently scrub land with a dilapidated structure. The proposal is for a petrol filling station, shop and food outlet with provision for 12 covers and parking with toilet facilities.
- Glenfield Avenue is located across the road from the proposed site with the rear gardens 30 metres away and the closest dwelling 40 metres away.
- Existing vegetation would remain.
- The proposed building would be constructed of cladding and brick with the shop front mainly glazed. It was noted that signage would be part of separate application for consent.
- Key issues were set out in the report and included the principle of development, impact on residential amenity, highways and biodiversity.
- A previous application by the applicant had been refused on 24 April 2020 for reasons set out at Paragraph 11 of the report and a subsequent appeal had been dismissed on 29 April 2021. The Inspector had accepted the principle of the development in this location. The Inspector also found that the proposed development would not result in harm to residential amenity or to highway safety. The reason for refusal in relation to biodiversity was the sole reason for the refusal being upheld, and the appeal was consequently dismissed.
- The Inspector did not object in principle to the use of an offset site to achieve biodiversity net gain which would comply with the aims of SP13 and G9. However, the appeal proposal offered no reliable mechanism to deliver biodiversity net gain off site. This was because there was no robust Section 106 Agreement proposed to adequately secure works to a specified offset site and such an Agreement would have had to offer confidence that such a scheme could be delivered in a timely fashion. The draft Agreement presented to the Inspector at the time of the appeal was seen as unlikely to achieve this.
- The applicant has now provided details of a triangular piece of land approximately 2km from the application site within the Leeds Habitat Network close to Swinnow Hill and Turners Wood and has a definitive bridleway running along the boundaries of the offset site. The offset site is currently used for arable farming and the proposal is for this to become grassland which would be expected to generate a biodiversity habitat value of 0.59 units.
- A Section 106 Agreement is under negotiation to secure the offset site with a biodiversity management plan and annual work programme which would last for five years.
- 50 objections to the proposals had been received from Ward Councillors, residents, Better Wetherby Partnership, Boston Spa, Wetherby and Villages Community Green Group and Wetherby Civic

Society. Comments had been summarised at Paragraphs 25-31 of the report.

Cllr Lamb and a resident of Glenfield Avenue addressed the Panel in objection to the application and provided the following comments:

- Cllr Lamb said that the concerns of Ward Councillors, Better Wetherby Partnership, and Wetherby Civic Society were with the principle of the development in this location. It was his view that this application was not acceptable in accordance with Council policies.
- He said that there were highways issues in the location and mitigation had already taken place to address some of the issues.
- Residents of Glenfield Avenue were in objection to this application as they had concerns in relation to air, light and noise pollution.
- There are young children living in this street and even given the restricted opening hours the light and noise would impact on their bedtime. This would be made worse in the summer months when windows may be open.
- The shrubs and trees along the verge are deciduous and during the winter months would not alleviate noise and light pollution.
- There was also the concern that this proposal would have an impact on the landscape given its proximity to the Ebor Way.
- There are already 3 petrol stations in the area and so the provision of a further petrol station was not necessary.

In response to questions from Members the following information was provided to the Panel:

- There were concerns related to the highway the roundabouts and the junctions were busy and the exit and entry for the proposed station would be close to the roundabout and the junction. There would also be the impact on the residential area due to significant movement of traffic. It was noted there used to be a layby for truck stops in this area, however it had to be removed due to anti-social behaviour.
- It was suggested to the Panel that the proposed biodiversity site was not close enough. Cllr Lamb was of the view that the proposed site did not meet with current policies and not what the Inspector had expected.
- There had been no consultation with Ward Councillors, the local community or the Town Council.
- There are already three petrol stations in the area. The resident was asked how long approximately it would take her to drive to them. It was noted:
  - 1<sup>st</sup> – 3 minutes
  - 2<sup>nd</sup> 3.5 minutes
  - 3<sup>rd</sup> 5 minutes

The agent for the application attended the meeting and provided the Panel with the following information:

- The agent said she was a Chartered Town Planning Consultant elected to the Royal Town Planning Institute with over 12 years Local Authority experience. She represents clients nationally with planning

submissions and planning appeals with a particular expertise in roadside services.

- The agent said that the 3 reasons for refusal by the Council of the 2019 application had been:
  - Impacts on the rural character of the landscape
  - Harm to amenity
  - Net loss to biodiversity
- The agent quoted the Inspector who had said 'The proposed development would not significantly harm the character and appearance of the appeal site and the surrounding area including the Wharfe Valley Green Infrastructure'. The Inspector had also said 'The hours of operation suggested by the appellant and details submitted in relation to noise and light would not adversely affect residential occupiers which could be mitigated through a suitably worded condition'.
- The agent said given the scheme is identical to the one already assessed by the Inspector which was found to be compliant in terms of character and appearance, impact and highways there was no reason why the scheme could not be approved.
- She acknowledged that the previous scheme had not had a reliable mechanism for net gain biodiversity to be delivered. It was her view that this issue had now been resolved as the applicant's legal representative had worked with the Council Officers, to produce an Agreement requiring biodiversity management before any work commences.
- It was her view that the application now complies with local and national planning policies and there was no valid reason for refusal. The Panel were advised that if there was a refusal this would mean an appeal which would likely result in costs being awarded against the Council due to the absence of a valid reason for refusal
- She again quoted the Inspector in terms of the economic benefits of the erection of the filling station, bringing local amenities and local employment opportunities.

In response to questions from Members the Panel were provided with the following information:

- The Inspector in assessing a very similar application had already concluded that there would no impact to amenity, there had been no objections to the application in relation to highways and had not objected to the principle of the application.
- Woodman Forecourts would be managing the site and had agreed to the proposed Section 106 Agreement. It was noted that there was one developer but two discreet companies with one company address. However, it was emphasised to Members that the identity of the applicant is not a material consideration to be taken into account in decision-making.
- Members were advised that gender neutral toilets could be considered as part of the application. It would be a requirement anyway under the recently updated Building Regulations.

- It was noted that there was no requirement to consult with the local community, particularly with regard to the proposed location of the biodiversity net gain offset site. It was acknowledged that local community consultation more generally was good practice, but not a requirement.
- 20 jobs would be created with a mix of full-time and part-time positions.
- The proposed site for net gain biodiversity was currently agricultural land.

Officers responded to questions from the Panel:

- Current guidance on use of off-site land for net gain biodiversity provides. No indication vis-à-vis specific distances of an offset site from a proposed development but options for an offset site required for it to be in or adjacent to the ward. It was acknowledged that the proposed site for biodiversity net gain was 2km away from the development site but was in the same ward.
- The Legal Officer provided advice to the Panel Members on the proposed Section 106 Agreement to be secured in relation to the proposed offset site biodiversity area. It was noted that the Section 106 Agreement would be tied to the piece of land set out for biodiversity in perpetuity and sought to ensure this could be robustly secured. The Inspector had previously been concerned about the mechanism to secure the offset site, rather than the principle of an offset site.
- If the proposed offset site became the subject of an application in future, it would have to be brought to Plans Panel.
- It was noted that the proposed offset site would be grassland providing 0.59 units. All details would form part of the Section 106 Agreement.
- Clarity was provided on policies within the relevant Neighbourhood Plan and their applicability to the development proposed, as these had been raised in public comments but were not necessarily relevant or applicable.

Members Comments included:

- Insufficient weight given to the Wetherby Neighbourhood Plan.
- No consultation with the local community
- Acceptability of using agricultural land for offset site and the fact that the site was 2km away from the development site was questionable.
- Loss of scrub land and impact on the environment.
- There would be the creation of local employment opportunities, which was a positive.
- The Panel were of the view that this was a difficult decision given the advice of the Inspector and the Council's current policies which remained as they had been at the time of the previous application. There had also been no change to the surrounding circumstances which would give a basis for refusal of the application in its current form.
- They were of the view that the developer should have consulted and tried to work with the Ward Councillors and the local community.

**RESOLVED** – To defer and delegate to the Chief Planning Officer for approval subject to the conditions set out in the submitted report.

**62 22/04991/FU – Realignment of the existing stone wall to facilitate vehicle and pedestrian improvements to Bramham Road. Erection of two outbuildings. Replacement of an existing timber fence with a new stone boundary wall and gate pillars. Replacement of an existing single storey extension to Corner Cottage. Change of use of land to parking, with associated hardstanding/landscaping at Corner Cottage, 2 High Street, Clifford, Wetherby, LS23 6JF**

The report of the Chief Planning Officer set out an application for the realignment of the existing stone wall to facilitate vehicle and pedestrian improvements to Bramham Road. Erection of two outbuildings. Replacement of an existing timber fence with a new stone boundary wall and gate pillars. Replacement of an existing single storey extension to Corner Cottage. Change of use of land to parking, with associated hardstanding/landscaping at Corner Cottage, 2 High Street, Clifford, Wetherby, LS23 6JF

A site visit had taken place earlier in the day. Slides and photographs were shown throughout the presentation.

The Planning Officer presented the application to the Panel providing the following information:

- This application was presented to the Panel at the request of Cllr Lamb, Wetherby Ward Member on the basis of the potential impact on the conservation area, the fact that the site is located at a key gateway to the village and the application had raised local concern.
- The site is in the vicinity of a number of Grade II listed buildings and structures:
  - Nunnery House
  - Head's House at Northways School
  - Clifford War Memorial
  - Baptismal Well
- The site is within Key Short Range View B as identified in the Clifford Neighbourhood Plan.
- The application was a revised resubmission of previously refused and withdrawn applications to realign the boundary wall, erection of two outbuildings, and single storey extension to Corner Cottage as considered under two previous applications. The applicant had provided further information and revisions required by officers, addressed outstanding concerns and these were set out at Paragraph 27 of the submitted report.
- Access to the High Street was proposed to be pedestrianised with parking provision which had been approved in 2020 and forms part of the application site.
- Hardstanding was proposed to be of crushed limestone finish with access to Bramham Road to be cobble sets. The wooden fencing was to be removed and replaced by a stone wall and set back 1 metre, with

the depth of repositioning varying along its length. This would create a wider footpath, which would be offered for adoption under a Section 278 Agreement

- Two outbuildings are proposed, one would serve as an ancillary structure for Corner Cottage, with a garage and the second would be a cycle store for the dwellings at Greyhound. Both outbuildings would be constructed of limestone facing walls, slate tiled roofs, timber doors and windows.
- The proposed replacement of an existing single storey extension would be 7.6 metres in width with a depth of 5.6 metres. The proposal is for the extension to have a flat roof to a height of 3 metres. The proposals for materials are stonework to the walls, with single ply roof with sliding doors to the south elevation. The extension is to be used as a kitchen-diner.
- The Panel were advised that the current stone walls would be dismantled and numbered so they could be reused. This would be conditioned to ensure that any new stone matched. It was noted that the applicant had worked with officers including the Conservation Officer.

A speaker in objection attended the meeting on behalf of Clifford Parish Council Clifford Local History Group and residents and provided the Panel with the following information:

It was the view that this application was of very little difference to previous applications. And he listed some of the similarities as:

- The blocking off of vehicle access from the High Street would mean that 8 properties with potentially two vehicles each would be using the proposed new entrance off Bramham Road.
- The historic boundary wall would be extended in height, but this should be built parallel to the rear of the boundary wall as required at a similar location on the High Street.
- Setting the extension back is considered to be a positive move in terms of visual amenity.

The main concern was of the demolition of the historic boundary wall, as this was a key part of the character of the village. The alignment and position of the wall forms a key view into the village. The conservation area and appraisal management plan identified magnesium limestone boundary walls as a positive contribution to the conservation area and should be retained. A historic map shows the wall in position from 1846.

It was noted that a previous application which had been refused had been to appeal and at the appeal the Inspectors view was that the wall should be retained. In 2021 a Conservation Officers view was the section of wall in question was extremely important, the alignment of the wall to the pavement edge is therefore as important as the form of the wall. It was the view that the wider depth proposed for the pavement would be an anomaly in this location. It was the view of residents that the historic wall sits perfectly alongside the Grade II listed buildings of the Nunnery and Northways School.



It was the view of residents that nothing had significantly changed in relation to the application and the wider impact on the conservation area. It was thought that more weight should be given to the protection of the conservation area and the historical assets of the village.

The local community objected to the application as it was contrary to NPPF in its emphasis on taking all possible steps to protect conservation areas, with no public benefits to outweigh the harm to Clifford conservation area and the listed buildings. It was also contrary to Clifford Neighbourhood Plan regarding the retention of stone boundary walls and relevant planning policies.

Responding to questions from the Panel the speaker provided the following information:

- The potential number of cars accessing on to Bramham Road were a concern. It was noted that there had been no recorded accidents in the area.
- Members noted that residents supported the bringing back into use of Corner Cottage, but their main concerns were with the demolition of the wall.
- It was acknowledged that the developer had sent advanced notification to Clifford Parish Council and the application had been looked at by the planning working group it was also put on the agenda with residents invited to the meetings for discussions. It was noted there had been no direct consultation with the developer.
- There were concerns in relations to accessibility if cobble sets are used for wheelchair users and users of buggies and pushchairs.

The agent for the applicant addressed the Panel and provided the following information:

- Since 2012 there had been one refusal and had gone to appeal, and subsequent applications which had been withdrawn and amended. There had been discussions at the appeal and these comments had been taken on board. This application has been redesigned with those comments taken into consideration.
- The previous application had seen the wall set back more and did not include the garage or the cycle store, the wall between the driveways or the raised section of wall shielding the remodelled extension.
- In discussions with the Conservation Officer, it was recognised that the insertion of the driveways and loss of trees in recent years has eroded the special character of the area.
- It was the view that the enclosure of the garage, cycle store would enhance the area.
- A model had been provided to show how the site would look before and after and was the view that the alignments made little change to the area. The realignment would not result in the removal of a stone wall, just a slight repositioning of the stone wall. It was noted that the applicant had employed the services of Peter Isherwood an accredited stone mason who would ensure the use of existing materials and traditional methods.

- In terms of highways this was said to be a key driver for the applicant for the safety of his tenants. There was to be no further dwellings so there would be no increase of vehicles but aims to improve existing access arrangements. Closing of the High Street Access and improving the visibility on to Bramham Road, it was the view this would be of significant public benefit. It was noted there would also be a wider footpath for pedestrians.
- The Panel were advised that a full pack of the submission documents had been delivered to the Parish Council and surrounding neighbours with the invitation that the developer could be contacted directly to discuss further. It was noted that no comments had been received.

There were no questions from the Members to the speakers.

Questions to officers provided the following information:

- It was noted that Highways Officers had considered the accessibility and the works proposed would be secured by way of a Section 278 Agreement. As part of this, officers would look at the cobble sets to ensure compliance with policies, but it was currently deemed from the view of Highways Officers that the impact of the cobble sets proposed was acceptable. However, the Accessibility Officer had not been consulted on the impact of the cobble sets and this would be taken forward.
- Officers provided information on the parts of the Neighbourhood Plan which had been considered and included GS2 – Key Views, DEV2 which included design standards and stone boundary walls and BE2 Conservation Heritage Assets. It was the officers view that the application was compliant with the relevant Neighbourhood Plan policies.

Members comments included:

- Frustration at the lack of consultation. It was the view that there was a good scheme but the lack of engagement with the community felt as if it was a scheme being done to the community, rather than with them, as they had not had the chance to provide their comments. It was the view that there were benefits to the scheme, but it was not clarified if those benefits outweighed the harm to the conservation area. It was the view that more engagement with the community should have been considered.
- Members could see there were a lot of benefits for this scheme, it would be safer and tidier and ensure continued use of the building, and the materials are suitable to the location. There was concern raised in relation to the use of the cobble sets for the pavement and the pavement width.
- Concern in relation to the movement of the historic wall.
- In relation to highway improvements, there had been no reported accidents in the location and therefore it was de facto the case that there were no identified concerns regarding highway safety.
- More engagement required between the developer and the residents.

- Members suggested that the application be deferred for further consultation with the local community and Ward Councillors on issues of concern.

**RESOLVED** – To defer for further consultation with residents, Local Ward Councillors and Parish Council.

**63 22/05836/FU - Part retrospective application for part two storey side and rear extension; part first floor rear extension; dormer windows to rear at 43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF.**

The report of the Chief Planning Officer set out a part retrospective application for part two storey side and rear extension; part first floor rear extension; dormer windows to rear at 43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF.

This application was returned to North and East Plans Panel following the deferral for one cycle from the previous meeting held on 12<sup>th</sup> January 2023. The officer recommendation had been to refuse the application due to design concerns. This had not been accepted by Panel Members and requested the application be revisited and returned to Panel for formal determination.

It was noted that the previous report was attached at Appendix 1 of the submitted report.

Members were provided with the following information:

- The Panel was shown revised plans which showed the revised scheme which had been formally submitted.
- The revised scheme altered the roof form of the two-storey rear extension to a flat roof with parapet wall and the reduced dormer windows.
- It was noted that the applicant had met with officers and local ward members to discuss an alternative design which would mitigate the harm and for a policy compliant scheme to be submitted. Officers had presented two potential options which reduced the internal space but retained the number of bedrooms required. The applicants and their representative were supportive of one of the proposals which changed the design which had been put to Members within the agenda pack. A newly revised set of plans had been submitted and shown at Panel as the last slide of the presentation slides.
- The newly revised scheme further reduces the dormer windows and sets them back from the eaves, the roof of the two-storey extension would have a mono pitch roof and is now policy compliant.

Officers requested Members to defer consideration of the application so that officers could bring back a report which clearly sets out the reasons why they would support planning permission.

Members commented that the newly revised scheme was a sensible proposal which the Panel welcomed.

The Panel suggested that the application, in its newly revised scheme as presented, should not be brought back to Panel for determination but should be delegated to officers.

**RESOLVED** – To defer and delegate to the Chief Planning Officer.

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

To note the next meeting of the North and East Plans Panel will be on Thursday 9<sup>th</sup> March 2023 at 1.30pm.