

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 3RD OCTOBER, 2024**

**PRESENT:** Councillor P Wray in the Chair

Councillors R Finnigan, N Manaka,  
B Anderson, S Firth, M France-Mir,  
Z Hussain, R Jones, A Parnham,  
C Campbell and J Heselwood

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

There were no appeals.

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

There was no exempt information.

### **33 Late Items**

There were no late items.

### **34 Declarations of Interests**

Councillor P Wray declared an interest in Agenda Item 10, Applications 22/00158/FU & 22/00159/LI – Church of the Holy Spirit, Tempest Road, Leeds, LS11 7EQ as he had made objections to the application. He informed the Panel of his intention to withdraw from the meeting during the consideration of this item and sought a nomination for a replacement Chair at that stage of the meeting. A nomination was made and seconded for Councillor M France-Mir to take the Chair and subsequently voted on.

**RESOLVED** – That Councillor M France-Mir be elected as Chair following Councillor P Wray's withdrawal from the meeting.

### **35 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors R Finnigan and A Rontree.

Councillors C Campbell and J Heselwood were in attendance as substitutes.

### **36 Minutes of the previous meeting - 5 September 2024**

**RESOLVED** – That the minutes of the meeting held on 5 September 2024 be confirmed as a correct record.

**37 23/01441/FU - Land Adjacent Unit 1 , Kirkstall Retail Park, Savins Mill Way, Kirkstall, Leeds, LS5 3RP**

The report of the Chief Planning Officer presented an application for a restaurant with drive-thru (Use Class E and Sui Generis) including car park alterations, landscaping and associated works.

The application had been considered at the meeting held on 5 September 2024 when it was resolved that the Panel was minded to refuse the application and it was deferred to allow the Chief Planning Officer to prepare and bring back detailed reasons for refusal. The report presented Members with a dual recommendation for either refusal or to defer and delegate to the Chief Planning Officer for approval.

Members had visited the site prior to the previous meeting and site plans and photographs were presented by the Planning Officer who presented the report.

Attention was brought to an error in the report which referred to a need to bring a further report should Members opt to defer and delegate the application for approval. It was reported that this was not necessary as all the relevant information was detailed in the report and dual recommendation.

Questions and comments from Panel Members then followed with officers responding to the questions raised, which included the following:

- The information provided by the applicants regarding the traffic assessment was considered to be accurate.
- The issue with traffic cutting across the gyratory section had been considered by planning and highways officers as part of the traffic modelling and assessment. Surveys had been undertaken and had been based on a worst case scenario and it was considered to be within acceptable parameters. Members were advised that the modelling was technically assessed and there was no evidence to rebut that assessment.
- The Section 106 agreement would provide improvements to the existing signalling equipment and also provide a red light violation camera.
- There had been recent appeals against similar applications. These appeals had been upheld with awards of costs. Members were advised that this should carry weight in their decision making. It was also advised that it would be difficult to defend the proposed reasons for refusal.
- It was agreed that the application was contentious and there were concerns but there was a need to make a decisions based on policy and expert advice.
- Traffic data for the modelling was collected at peak traffic times.

Upon voting, a motion was put forward to move the second officer recommendation outlined in the report which was to defer and delegate to the Chief Planning Officer for approval.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions outlined in the officer's first report dated 3 September 2024 (outlined in Appendix 1 of the report) and (any others which he might consider appropriate) and also the completion of a Section 106 agreement.

**38 24/03369/FU - 16 Chiltern Court, Rodley, Leeds, LS13 1PT**

The report of the Chief Planning Officer presented an application for change of use from a C3 (Dwelling House) to a C2 (Residential Institution) as young person's supported accommodation at No. 16 Chiltern Court, Rodley, Leeds, LS13 1PT.

The report recommended to the Panel that the application be approval subject to conditions that were detailed in the report.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and content of representations received as detailed in the submitted report.

A local resident and Ward Councillor attended the meeting and presented their objections to the Panel. Following this, they provided responses to questions raised by Panel Members, which in summary, related to the following:

- Concern regarding visitor parking.
- This was a small residential area without any facilities for 16 to 25 year olds.
- The property had previously been occupied by a family and then used as an Air BnB. There had been problems with parking during the use as an Air BnB.
- Concern that the report referred to the proposed occupants as 'high risk individuals'.
- The properties on Chiltern Court had covenants not to change the use of the properties.
- Concern regarding the number of traffic movements in addition to the increased numbers of cars parking.

The applicant/applicant's representatives attended the meeting and addressed the Panel. Following this, they provided responses to questions raised by the Panel, which in summary, related to the following:

- This location was chosen following local risk assessments as a safe place.

- There would be a pool car for staff, the looked after young people would not normally have access to cars.
- The property was intended for low risk young people and some of the terminology in the application was incorrectly used.
- The applicant's organisation worked with the Local Authority with regards to safeguarding and had a safeguarding policy in place.
- The young people would receive a social work visit approximately every six weeks.
- The young people in residence could be transported by pool car or could also use public transport.
- There was a small courtyard area that residents could use and also a local park nearby.
- Visitors to the property would be made aware of parking arrangements.
- The applicant had spoken to the immediate neighbours and other residents regarding the proposals.
- The applicant was unaware of any covenants on the property.
- A Category B notice had been sent by recorded delivery.
- Residents of the property would not have access to the pool car.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- A condition or Section 106 agreement could be made that prevented car ownership by any residents of the property.
- There was no direct pedestrian access from the property to Town Street.
- There was a legal obligation for the applicant to submit the correct ownership certificate, in this case Certificate B. There was still an outstanding issue regarding the submission of this.
- The application had been advertised appropriately with site notices and local residents had had opportunity to make representations.
- There was no mandatory requirement for the applicant to consult with neighbours.
- There was opportunity for parking on Town Street.
- The covenants were not a material planning consideration.
- There was no evidence to suggest that the proposed change of use would lead to anti-social behaviour.
- There was no evidence of any previous planning enforcement in the immediate area.
- Possibility of having a condition to allow pedestrian access from Town Street.
- There was no distinction within policy whether allocated parking spaces would be for residents or staff.
- Further to concerns regarding the submission of Certificate B, it was advised that should Members be minded to accept the officer recommendation it could be subject to the correct ownership certificate being submitted.
- Concern with the lack of car parking.
- Concern with the lack of consultation.

- Concerns of possible nuisance in the future and the need for enforcement?
- There were car parking issues in the wider area but not just relating to this application.
- Concern regarding lack of amenity space.
- There was a need for this kind of accommodation for young people and the application should be supported.
- A motion proposed that the officer recommendation be approved with additional conditions relating to car ownership and access to Town Street.
- A further motion was made to refuse the application due to the issues on car parking, traffic and other issues including the lack of consultation and access to Town Street.

Both motions proposed were moved and seconded and upon voting, it was:

**RESOLVED** – That permission be granted subject to the conditions outlined in the report, and the following conditions:

- That pedestrian access from Town Street to the property be opened up.
- Section 106 agreement to prevent residents of the property from owning a car.

**39 23/07393/FU - Newall Church Hall, Newall Carr Road, Otley, LS21 2AF**

The attached report of the Chief Planning Officer presented an application for conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure.

The report recommended to the Panel that the application be deferred and delegated to the Chief Planning Officer for approval, subject to conditions detailed in the report and to enable completion of the advertisement period of the application as a departure from the Development Plan.

Panel Members referenced above had attended a site visit prior to the meeting.

Site plans, photographs and GCGI images were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

A local resident addressed the Panel with objections to the application. Following this they provided responses to questions raised by Panel Members, which included the following:

- The area behind the church hall was previously used as allotments and also as a play park.

- In 1999 the residents of The Crescent were approached regarding proposals that the land be converted to a millennium park with part of the Church Hall to be used as a tea room. This did not happen.
- The land has been used and operated in various guises by the Council.
- In 2018 residents received a letter from the church, that due to lack of council support in looking after the land, it was proposed to develop the land. Initial proposals had been for the development of 12 houses and conversion of the church hall. The land was then sold to a developer who had proposed a development with 8 houses and subsequently reduced to a development with 6 houses before this latest set of proposals.

The applicant's representative was invited to address the Panel. Following this, they provided responses to questions raised by Panel Members, which included the following:

- The baseline for biodiversity was based on the position at the time the application was submitted.
- There was a request from West Yorkshire Archaeology Service (WYAS) and it had been agreed that a pre-commencement archaeological dig would be appropriate.
- The biodiversity net gain would be achieved through the landscape scheme both on and off site and with the tree planting scheme which was higher than the required ratio.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- The proposal for the planting of 15 trees in the council owned green space had been offered by the developer.
- The matrix had shown that the applicant could achieve the necessary biodiversity uplift.
- There had been discussions with WYAS and there would be a condition for pre-commencement works.
- There would be a detailed construction management plan prior to the commencement of any works.
- On balance it was felt that the proposals and setting aside the SAP allocation were acceptable.
- The Otley Neighbourhood Plan actually gave weight to the proposals as it raised that there was a surplus of greenspace which included the Otley plantation, part of which was outside the council boundaries. The site was not designated as greenspace in the Otley Neighbourhood Plan.
- The site was designated as greenspace within the site allocation plan.
- Distances to the nearest existing properties met and exceeded policy requirements. The low density nature of the proposal would maintain views for existing properties.

- The church hall was a valuable community building and it was disputed that it was surplus as a community asset. Various groups had been interested in using the hall.
- The land was still usable for recreation and should not be developed.
- There was not a surplus of greenspace within Otley and Yeadon.
- Although the proposals were of a good design there was concern regarding the lack of greenspace.
- It was not felt that the proposal was compliant with Policy G6. A motion was made to refuse on the grounds that the proposal was contrary to policy G6, the impact on a non-designated heritage asset, impact on wildlife, biodiversity net gain and the impact on an archaeological site.

The motion was seconded and upon voting, it was:

**RESOLVED** – That the application be refused and a further report be brought back to Panel with detailed reasons for refusal based on:

- Development policy contrary to G6
- Loss of the site would impact negatively on wildlife.
- Negative impact of proposal on non-designated heritage asset.
- Biodiversity mitigation inadequate.
- Unacceptable impacts on archaeology within the site.

(Councillor P Wray left the meeting following this item and Councillor M Mir-France assumed the Chair).

**40 22/00158/FU & 22/00159/LI - Church Of The Holy Spirit, Tempest Road, LS11 7EQ**

The report of the Chief Planning Officer presented an application for the change of use and listed building consent relating to redundant Listed Grade II church to online clothing business and ancillary café at the Church of The Holy Spirit, Tempest Road, Leeds, LS11 7EQ.

The report recommended that the applications be granted subject to conditions outlined in the report (with amendments or addition to the same as deemed appropriate).

Panel Members (referenced above) had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

It was reported that the applicant had submitted additional information in response to representations from objectors. This had not highlighted any new information that was already detailed in the report.

A local resident and Ward Councillor attended the meeting and presented their objections to the Panel. Following this, they provided responses to questions raised by Panel Members, which in summary, related to the following:

- There were other community use venues nearby although some weren't open on evenings. There were three community led organisations that would be able to bid over what the Church of England were marketing the building for.
- There were other more suitable sites nearby that could be used for this kind of business.
- The building could be a real community asset in the heart of Beeston Hill.
- If there weren't other offers for use of the building which would enhance the community, the application would be supported.
- There were concerns regarding the potential for increased car parking as there had been road traffic accidents in the area.

The applicant was in attendance and addressed the Panel. Following this, the applicant provided responses to questions raised by the Panel, which in summary, related to the following:

- The café would be small and would be just open on specific times and dates.
- The business would operate 5 days a week but not on Fridays.
- If too much traffic was created, the applicant would consider changing hours of operation.
- Customers would be encouraged to use public transport and most customers would local and would hopefully walk.
- Deliveries would not be made by heavy goods vehicles but van deliveries similar to those that made home deliveries.
- The latest time the premises would be operating was approximately 7.00 p.m. but this would only be in the peak summer months.
- There would only be 2 or 3 staff employed.
- Approximately 90% of orders would be sent for delivery with 10% for collection.
- The building had been chosen for the storage space.
- Traffic and parking was considered prior to submitting the application.
- Deliveries and appointments would only take place between 09:00 and 17:00. The longer hours of operation were to provide a cushion during peak periods.

Questions and comments from Panel Member then followed, with officers responding to the questions raised, which included the following:

- The change of use would be to mixed use E(a) and E(b) for retail and café.
- The building was in such poor condition it was considered at risk. There was a relatively small impact on the local highway network and it seemed a reasonable proposal to bring the building back into use.



Upon voting, a motion was put forward to move the officer recommendations, as per the submitted report. This was moved and seconded, and it was:

**RESOLVED** – To grant the Application – 22/00158/FU and the Listed Building Consent – 22//00159/LI – both subject to the conditions set out in the report (with amendments or addition to the same as deemed appropriate).

**41 Date and time of the next meeting**

Thursday, 31 October 2024 at 1.30 p.m.