

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 20TH SEPTEMBER, 2018**

**PRESENT:** Councillor C Gruen in the Chair

Councillors B Anderson, K Brooks,  
M Gibson, S Hamilton, J Heselwood,  
A Hutchison, D Ragan, J Shemilt and  
P Wray

### **19 Declarations of Disclosable Pecuniary Interests**

There were no declarations.

### **20 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor C Campbell.

### **21 Minutes - 16 August 2018**

**RESOLVED** – That the minutes of the meeting held on 16 August 2018 be confirmed as a correct record.

### **22 Application 18/03233/FU - 7 Bankfield Gove, Burley Leeds**

The report of the Chief Planning Officer presented a retrospective application for a rear dormer window at 7 Bankfield Grove, Burley, Leeds.

Members visited the property prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application had been referred to Panel at the request of Ward Councillors as it was felt that a similar development could have been erected without consent under permitted development.
- An application was approved in 2010 for a two storey side extension and an extension to the rear. This was without a dormer.
- Following a retrospective application in March 2017 it was negotiated to retain the side gable extension with the condition that the dormer be removed due to over dominance and overlooking.
- This most recent application had been submitted to keep the works in their entirety.
- The adjoining property had a dormer but did not have a rear extension.
- It was recommended that the application be refused due to overlooking and over dominance caused by the unauthorised dormer.

A local Ward Councillor addressed the Panel in support of the application. Issues highlighted included the following:

- It was not felt that the dormer was harmful enough to recommend its demolition.
- The dormer could have been built under permitted development rights prior to the side extension. The applicant should not be penalised because of the sequence of events.
- The applicant did not purchase the property until 2014.
- The penalty of having to remove the dormer was worse than leaving it in place. Removal could make the roof look worse.

In response to comments and questions, the following was discussed:

- The property next door had erected a dormer under permitted development rights. The application did not have the permitted development rights due to having the two storey side extension.
- The possibility of obscure glazing to prevent the overlooking. It was reported that this has been explored but as the main and only window this would prevent any outlook.

Following further discussion it was suggested that the application would be suitable with a condition to provide obscured glazing on the dormer. A motion was made to approve the application with a condition that the window to the dormer to have obscure glazing. This was seconded and subsequently voted on but did not receive the support of the Panel. A further motion was made to support the officer recommendation to refuse the application.

**RESOLVED** – That the application be refused as per the officer recommendation.

### **23 Application 18/03999/RM - Land between Gelderd Road**

The report of the Chief Planning Officer presented a reserved matters application to construct four B1, B2 and B3 industrial and warehousing units with associated park and servicing areas at land between Gelderd Road, Asquith Avenue and Nepshaw Lane North, Gildersome.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- Outline approval was approved in April 2015 which included the use of the site and access arrangements. This approval included conditions for noise mitigation and traffic arrangements.
- There was a small area of housing that was within the site – Belle Vue Terrace. Mounding had been built up behind these properties along with acoustic fencing.

- Proposed design of the units was shown – materials to be used would be subject to conditions.
- There had been digging out of the site which would lessen the visual impact from Belle Vue Terrace, particularly when landscaping had matured.
- There was sufficient distance between the units and residential properties.
- Shadow surveys had been carried out.
- There had been additional objections submitted which had not raised any new issues and were mainly due to noise and traffic which had all been resolved at the outline application stage. There were no concerns from Highways.
- Members were reminded that they were only being asked to consider appearance, scale, layout, landscaping and internal access.
- The application was recommended for approval subject to conditions as outlined in the report and a further condition for provision of shower facilities.

A local resident and Parish Council representative addressed the Panel with concerns and objections to the application. These included the following:

- Residents of Belle Vue Terrace were concerned regarding the scale of the proposals. They would be overbearing and block sunlight.
- With the approved application in 2015, Unit 5 was positioned further away from residential properties and there would be a car park buffer zone. Loading bays were now positioned directly behind houses and HGV vehicles would be accessing these.
- The existing fencing and planting would not prevent any noise disturbance.
- The Panel was urged to reject a 24 hour 7 day operation on the site and to see if the distance from houses could be increased.
- In response to questions from the Panel, the following was discussed:
  - There had been changes to the proposed layout since outline permission was approved. However, the layout plan tabled as part of the outline Approval was indicative only.
  - 24 hour 7 day operation was not proposed at the outline planning stage. This issue was considered and a condition regarding background noise levels was considered appropriate at the time to retain flexibility for future occupiers.
  - The landscaping and fencing was not sufficient. Although this was addressed at the Outline Stage and had yet to be completed or established.
  - There would have been more objections to the application but there had been technical problems accessing the website to submit these. Members were however aware of the concerns of local residents.
  - Consultation with the applicant.

The applicant's representatives addressed the Panel. Issues highlighted included the following:

- The applicant was progressing the 2015 outline application. The land had been identified in the UDP for employment.
- Lidl had agreed to take on one of the units and this would create up to 500 jobs.
- There had been extensive discussion with the Council regarding the development of the proposals.
- Approval of this application would help to secure occupiers for the remaining plots and creation of more jobs.
- The proposed layout had no greater impact on residents than the indicative layout shown at the time of the 2015 outline approval and noise from the development should remain low.
- In response to questions from the Panel, the following was discussed:
  - Residents had been notified of the application and the applicant's plans to progress work in November 2018. The applicant would start landscaping works earlier than usual to meet concerns of the residents.
  - The distance between Unit 3 and the Belle Vue terrace was 52 metres.
  - The proposed occupiers of the units operated on a shift working basis and it would not be possible to move away from a 24 hour 7 day operation.
  - There had not been any further consultation since the submission of the reserved matters application. There had been no further requests for consultation from Ward Members or Gildersome Parish Council.
  - Since the outline application, the floor space on site had been significantly reduced and this would mean less car parking and less traffic.
  - The proposals had been drafted in consultation with occupiers of the units.

In response to Members comments and questions, the following was discussed:

- The layout had been designed based on the needs of the applicant and occupiers and offered benefits to the layout as seen in the outline application. Due to a change in levels and landscaping the development would not be visible from properties at Belle Vue Terrace.
- Sound levels could be monitored at the site and enforcement action taken if necessary.
- There was an agreement that construction works should not start before 8.00 a.m.

**RESOLVED** – That the application be approved as per the officer recommendation and conditions outlined in the report.

**24 Date and Time of Next Meeting**

Thursday, 20 October 2018 at 1.30 p.m.