

SOUTH AND WEST PLANS PANEL

THURSDAY, 18TH OCTOBER, 2018

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, K Brooks,
C Campbell, S Hamilton, A Hutchison,
J McKenna, E Nash, P Wadsworth and
P Wray

25 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

26 Exempt Information - Possible Exclusion of the Press and Public

The Panel was advised that Agenda Item 8 Application 17/08294/FU – Construction of 22 dwelling houses and associated works – Land off Tyersal Close, Tyersal, Leeds had an appendix which contained information relating to financial matters and was considered to be exempt under Access to Information Procedure Rule 10.4(3).

27 Late Items

There were no late items.

However, it was noted a revised report had been circulated to the Panel prior to the meeting in relation to Agenda Item 9 – Application 18/00846/FU – Former site of Benyon Centre, Ring Road, Middleton, Leeds.

28 Declarations of Disclosable Pecuniary Interests

Cllr. Hutchison informed that Panel that he had a disclosable pecuniary interest with Item 7 – 18/01111/FU – Variation of conditions 1, 5, 6 and 18 of previous approval 11/01809/FU to amend the site layout and to extend the hours of operation to 0700 – 1900 (Monday-Friday) and 0800 – 1700 (Saturday) – Whitehall Industrial Estate, New Farnley. He informed the Panel that he would leave the meeting for the duration of Item 7.

It was noted that Cllr Gruen knew the representative in attendance for Lidl in a professional capacity in relation to Item 9 – 18/00846/FU – Construction of a mixed use retail-led development comprising retail (use classes A1, A2, A3, and A5), leisure (use class D2), non-residential institutions (use class D1) and bookmakers (sui generis) with associated access, parking and landscaping – Land at former Benyon House, Ring Road Middleton, Middleton, Leeds.

29 Apologies for Absence

Apologies for absence had been submitted from Councillors M Gibson, D Ragan and J Shemilt.

Councillor E Nash, J McKenna and P Wadsworth were in attendance at the meeting as substitutes.

30 Minutes - 20 September 2018

RESOLVED – That the minutes of the meeting held on 20th September 2018 be approved as a correct record.

31 Application 18/01111/FU - Ashfield Way, Whitehall Industrial Estate, Leeds

Cllr. Hutchison left the meeting for the duration of item 7. Minute 28 refers.

The report of the Chief Planning Officer requested Members to consider an application for a variation of conditions 1, 5, 6 and 18 of previous approval 11/01809/FU to amend the site layout and to extend the hours of operation to 07:00 – 19:00 (Monday – Friday) and 08:00- 17:00 (Saturday) at Whitehall Industrial Estate, New Farnley.

Members of the Panel had visited the site earlier in the day. Photographs and plans were shown throughout the presentation.

Councillor Ann Blackburn had requested that this application be brought to the Plans Panel for determination. Councillor Blackburn's objections to the application related to the proposed amendment to the operating hours and associated noise nuisance and the increase in vehicle movements and associated dirt and noise nuisance.

Members were advised of the following points:

- The context of this planning application was provided to Members and set out at points 1.3 – 1.7 of the submitted report and included;
 - That the applicant's main waste management business located at 263 Whitehall Road was not large enough to accommodate all of the incoming general skip waste accepted at the site;
 - The applicant has acquired the Ashfield Way site on Whitehall Road which is a safeguarded waste management site in the Leeds adopted development plan;
 - The applicant currently accepts inert demolition and construction waste as well as general skip waste. However, the applicant wishes to separate the two types of waste with inert demolition and construction waste being transferred to the Ashfield Way site on Whitehall Industrial Estate;
 - The applicant wants to carry out waste transfer operations different to those conditions attached to existing permission Ref: 11/01809/FU.
- The conditions to be varied were:

- Condition 1 – Approved Plans as set out at point 2.1 of the submitted report;
- Condition 5 and 6 – Approved landscaping and landscape maintenance as set out at point 2.2 of the submitted report;
- Condition 18 – approved operating hours as set out at points 2.3 and 2.4 of the submitted report. Members noted the current operating hours 08:00-16:00 (Monday – Friday) and 09:00-15:00 (Saturday);
- 10 letters of representation had been received from members of the public objecting to the proposal for the following reasons:
 - Noise impact in connection to longer operating hours;
 - High levels of dust;
 - Vehicles depositing dirt and debris onto the public highway; and Highway safety at the junction of Ashfield Way and Whitehall Road;
- 2 of the letters of representation received were from Councillors Ann and David Blackburn who raised concerns in relation to the perceived impact on general amenity and the living conditions of occupiers of nearby property from noise nuisance and the perceived impact on amenity and safety arising from the depositions and /or accumulations of dirt / debris on the public highway. It was noted that the Councillors were aware of negotiations by officers, which included the operational restrictions secured at points 5.3-5.4 and the limitations set in points 5.5-5.7 of the submitted report;
- Negotiations had taken place in relation to restriction on crushing and screening as set out at point 5.3 of the submitted report are imposed on any grant of planning permission;
- The site was well contained with trees surrounding.

In attendance at the meeting was a resident who lived next to the Whitehall Industrial Estate who informed the Panel of the following points:

- There are schools, houses and allotments in the area;
- Complaints had been made in relation to noise and dust;
- Noise and dust was already a problem to those residents who live near the Ashfield Way site due to traffic and the type of work at the site;
- BWS want to increase the hours which would increase the traffic and noise at the site;
- A recent count of vehicles entering and exiting the site had counted 93 vehicles in an hour;
- The environment needs to be put first;
- Concerns for the health and wellbeing of residents.

Speaking for the recommendation was a resident and Clive Saul a representative of the applicant. Members were informed of the following:

- The plan should be accepted so that the inert waste was moved from the residential area;
- BWS had agreed limitations on the operation of the crushing machine;
- The expectation was that the Council would be the enforcers on reduced hours;

- The hours requested of 7:00am – 7:00pm (Monday to Friday) and 8:00am – 5:00pm (Saturday) were not dissimilar to those permissions already permitted;
- An area not concrete could be set aside for the dumping of construction materials.

In response to Members questions the Panel were advised of the following points:

- The current hours of permission as 8:00am-4:00pm (Monday –Friday) 9:00am-3:00pm (Saturday)
- There would be a restriction on crushing and screening activities and activities undertaken in the final hour of operation;
- An application would have to be submitted for a crusher;
- No noise reports had been submitted;
- Consulted with Environmental Health but they had raised no objections in relation to noise;
- There are two other waste management operators on the Ashfield Way site namely Mone Bros. and Dysons
 - Mone Bros. times of operation 7:30am-6:00pm Monday – Friday 7:30am -1:00pm Saturday
 - Dysons times of operation 7:30am- 5:30pm Monday – Friday 7:30am – 1:30pm Saturday. It was noted that Dysons have an application submitted to increase their hours of operation.

Members discussed:

- The consistent approach to operating hours across Ashfield Way;
- The feasibility of an area to be assigned for drop off of waste;
- Process to address noise complaints; and
- Enforcement procedures.

RESOLVED – To grant permission subject to the conditions set out in the submitted report with an amendment to condition 18 and the addition of the following condition:

1. With an amendment to condition 18 for a start time of 7:30am start time Monday – Friday;
2. Prior to operation of revised hours a plan showing an unloading area for skips to absorb noise shall be submitted to and approved in writing by LCC and subsequently implemented.

Cllr. Hutchison re-joined the meeting.

32 Application 18/00846/FU - Former site of Benyon Centre, Ring Road, Middleton, Leeds

The submitted report of the Chief Planning Officer set out an application for the construction of a mixed use retail-led development comprising retail (use classes A1, A2, A3 and A5), leisure (use class D2), non-residential institutions

(use class D1) and book makers (sui generis) with associated access, parking and landscaping on land at the former site of Benyon House, Ring Road Middleton, Middleton, Leeds LS10.

Members had visited the site earlier in the day, photographs and plans were shown throughout the presentation.

The application had been brought to Plans Panel due to the scale of the development, at the request of local Ward Members who consider the application to be of local significance due to the potential for job creation.

The Panel was informed that the proposal was for a retail-led scheme with proposed occupiers such as Lidl, B&M, Costa Coffee, Jack Fulton, Greggs. The proposal also allowed for the delivery of a Bookmakers (Sui generis use). It was proposed that the A1 units would be occupied by Lidl and B&M.

Members were advised that this application was a resubmission of a previously refused application for a similar scheme, anchored by Lidl and B&M. It was also noted that an application for Tesco's on this site was also refused in 2010.

The Panel were advised that B&M Bargains had written a letter to the Leader of Council to inform her and other ward members in Middleton of the intention to vacate their existing unit within the town centre. Members were informed that an independent assessment had been undertaken in relation to the impact the closure of B&M Bargains would have on Middleton Town Centre. It was acknowledged that this could have a significant effect on footfall in the Town Centre and that it could be difficult to re-let a unit of this size. It was noted that large organisations such as Boots and Wilkinson's had been approached to see if they would be interested, however, they were not. The only interest had been from a gym, but this would not bring in the required footfall.

Director of Commercial Development Projects Ltd, James Marshall addressed the Panel.

Mr Marshall informed the Panel of the following points:

- B&M Bargains lease on the unit in the Town Centre would end in October 2019;
- Consultation with local people showed that this type of development was wanted in the area by most people;
- The development would create 180 local jobs including local construction jobs;
- His was a family company and this was a substantial investment for the local area;
- Local ward councillors were in favour of the development;
- If permission was granted it was hoped that the site would be trading by Christmas 2019.

Responding to questions from Members Mr Marshall informed the Members that as many trees as possible would be retained and landscaping would include up to 140 new trees which would be used as a buffer. He said that the design and materials had been discussed with planning officers.

Members discussed the following issues:

- Previous refusal of development on this site;
- Changes in the market;
- Investment and creation of jobs in the area;
- The sustainability of Middleton Town Centre;
- Mixed use for this site;
- The design of the proposed development;
- Improved connectivity between town centre and Asda
- Site Allocations Plan(SAP)
- National Planning and Policy Framework (NPPF)

At the conclusion of discussions, Councillor McKenna moved a motion to defer the application so that further information regarding the impact on the Site Allocation Plan and further retail impact could be provided. The motion was seconded by Councillor Nash. On being put to the vote, Councillor McKenna's motion was passed.

RESOLVED – The application be deferred for further information to be sought.

33 Application 17/08294/FU - Land off Tyersal Close, Tyersal, Bradford

The report of the Chief Planning Officer set out an application for the construction of 22 dwelling houses and associated work on land off Tyersal Close, Tyersal, Leeds.

This application had originally been reported to Plans Panel on 19th July 2018. Minute 11 refers. Members had attended a site visit on the morning of 19th July 2018.

At the meeting held on 19th July 2018 Members had resolved that the application should be deferred to clarify with the applicant the following points housing mix, size of houses and the house prices put forward by the applicant. Members had also asked for clarity on an area of land to the East of the access road. The report submitted on 19th July 2018 had been attached to the report for this meeting.

Photographs, 3D visuals and plans were shown at the meeting.

The Panel were advised of the following points:

- Revised plans had been submitted on 24th August 2018, showing the onsite green space area removed and an additional four units provided with one affordable unit;

- Neighbour notification letters had been issued with the expiry date being 22nd September 2018;
- A further 8 letters of objection had been received which raised concerns as set out at point 2.1 of the submitted report;
- Red Kites spotted in the area would not be affected. However a condition had been requested by the Nature Team to provide biodiversity enhancements;
- A further condition in regard to the maximum gradient to access;
- Housing mix would now consist of three – four bedroom homes which was set out at point 4.3 of the submitted report;
- An owner for the area of land to the East of the access site had not been found. However the applicant had said that they would maintain the patch of land until such a time as the owner could be located;
- Offsite green space contribution of £82,212.13 to be spent on sport and recreational facilities at Tyersal Park as discussed with ward members.

A resident of Tyersal Close, who objected to the application, addressed the Panel and informed them of the following points:

- Over the years the site had become a nature reserve with rabbits, foxes, birds and a woodpecker all being sighted;
- The owners had already removed trees from the site;
- Access to the site was poor due to the acute angles of the roads;
- The site was greenfield not brownfield, and there is little green space between Pudsey and Bradford;
- The development would be detrimental to the area.

The Panel heard from Will Cartwright on behalf of the applicant:

- The trees had been removed as they had been of poor quality and this was lawful removal;
- There was a need for housing in this area and the land was not greenbelt;
- The width of Tyersal Close was adequate for access of vehicles to the site;
- There would be sufficient parking allocated on site;
- Negotiations had taken place and changes had been made to the application;
- A contribution of £362,000 would be made with £82,000 agreed for improvements to Tyersal Park and 1 affordable house.

Members' discussions included the following issues:

- The consultation that had been undertaken with ward members;
- How the unowned land would be maintained;
- Profit margins and contributions.

Members' comments included:

- Their disappointment in only 1 affordable house to be built;
- Proposed better mix of housing types than previous proposal;
- The design and materials thought to be bland;
- Disappointment in lack of green amenity space.

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and for 106 but with alteration to the Overage Clause to ensure a viability re-test was carried out at the 15th and 21st dwelling constructed and occupied.

34 Application 18/02140/FU and 18/02141/LI

Councillor Campbell left the meeting at 16:10 at the start of Item 10.

The Plans Panel were requested to consider and comment on the report of the Chief Planning Officer which set out a position statement on planning and listed building applications for conversion of mill buildings, demolition of listed buildings to provide 30 dwellings and construction of 82 new dwellings (112 dwellings in total) with associated access and landscaping at Stonebridge Lane, Wortley, Leeds.

Members were advised that this report was based on a draft alternative layout which had reduced the number of new build properties by 16 and increased by 2 conversion units retaining buildings 10 and 11. Members noted that the proposal for the conversion element was to vertically divide the existing buildings to provide house rather than apartments. It was also noted that it was proposed to retain both the stone water tower and mill chimney which exist on the site, and part of the mill pond, and adjacent stone walls and cobble surface.

The Panel was advised that the applicant had confirmed that they were not proposing any S106 contributions as the applicant had raised viability as a reason why the application should be granted despite no S106 contributions. This had been detailed at point 9 of the submitted report. The Panel acknowledged that there would be widening of paths to nearest bus stops with real time bus information.

Representations had been received from Leeds Civic Trust, Councillor Ann Blackburn, Councillor David Blackburn and 5 objections from members of the public.

Members were advised that the representations from Leeds Civic Trust had been received prior to the revised plans. It was considered that all issues raised had been addressed by the revisions.

Objections included:

- Development is over-intensive
- All the mill pond should be retained
- Protection of the natural site
- Chimney and water tower should be retained at full height
- Cobble surfacing to be retained

Members discussed the listed buildings on site and the water levels of the mill pond. It was noted that Environmental Health services should be consulted with regard to the mill pond and whether it had ever flooded.

Mark Finch the applicant was in attendance at the meeting to answer Members questions.

Mr Finch provided the Panel with the following information:

- This was an accessible and sustainable site;
- The site would be good for families in the area;
- It is a complicated site and hope to be on site next year;
- Parking had been proposed for at least two cars per household;
- Heritage houses would be priority for the site.

Members were advised that this applicant had also redeveloped Wortley Primary School, photographs were shown. It was also noted that they had redeveloped York Road Library, the Majestic building and were soon to be on site at the White Cloth Hall.

Members had further discussions which included the following points:

- The boundary which was to be saved as part of woodland. Members were supportive of this and were advised that there would be a retaining wall to stop residents extending their gardens into the wooded area;
- Would like to see affordable houses on the site and requested a viability appraisal;
- To consider the layout of parking some Members were in favour of parking to the front of properties;
- Recycling of as much of materials as possible;
- Applicant requested to consider accommodation within the water tower as it was in good condition.

RESOLVED – To note the content of the report and provide feedback on the following questions:

1. Do Members accept the proposed demolition of the Listed Buildings? Members accepted the part of the listed building was to be demolished.
2. Do Members accept the quantum of new build properties and consequent amount of frontage parking within the scheme? Members would be acceptable to the scheme but asked for parking issues to be looked at.
3. Do Members accept the layout which leaves the wooded area along the north-eastern boundary un-development with no public access, to protect its ecological value and promote bio-diversity? Yes
4. Do Members accept the conclusions of the District Valuer?
5. Do Members wish to express any comment at this time if an updated viability statement is submitted for a revised scheme (with fewer new

build properties) should result in a nil or reduced contribution towards affordable housing?

6. Do Members accept the non-provision of the sought after highway and public transport contributions?

It was noted that questions 4 – 6 could not be answered at this time.

However, Members made the following comments:-

- Members of the panel were on the whole in favour of the proposal;
- Members accepted the proposed demolition of the Listed Buildings;
- Members accepted the quantum of new build properties and design but had some reservations with regard to frontage parking;
- Members accepted and endorsed the retention of the woodland directly to the North of the site as a bio-diversity area. Members wanted to ensure via a condition or 106 that the area was not subsumed at some later date into the gardens;
- Members remained to be convinced by the submission of a revised viability appraisal (reflecting the housing numbers now proposed), about nil or reduced contributions if a revised viability statement was provided making the case;
- Members requested the clarification on the retention of the tracks as on site the agent did not seem aware they were shown on the plans as he was suggesting they could be moved to the POS.

Councillor Wadsworth left the meeting at 16:35 during discussions on this item.

35 Date and Time of Next Meeting

The next meeting of the South and West Plans Panel will be Thursday 22nd November 2018 at 1:30pm.