

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 11TH OCTOBER, 2012**

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

Councillors J Akhtar, J Bentley, M Coulson,  
R Finnigan, C Gruen, C Towler,  
P Wadsworth, J Walker and R Wood

### **1 Chair's Opening Remarks**

The Chair welcomed everyone to the first meeting of South and West Plans Panel and outlined the geographic areas of the city which this Panel would consider applications from

### **2 Late Items**

Although there were no formal late items, the Panel was in receipt of the following additional information:

- Application 12/02974/RM – 7 Waterwood Close – photographs tabled by the objector (minute 9 refers)

### **3 Declarations of Disclosable Pecuniary and other Interests**

No declarations were made

### **4 Apologies for Absence**

Apologies for absence were received from Councillor Truswell

### **5 Minutes**

**RESOLVED** - That the minutes of the Plans Panel West meeting held on 13<sup>th</sup> September 2012 be noted

### **6 Village Green Application - Land at Pit Hill, Churwell**

The Panel considered a report of the City Solicitor outlining the Inspector's findings from a Public Inquiry arising from an application to register land at Pit Hill Churwell as a town or village green. Appended to the report was a copy of the Inspector's report for Member's information

The Panel noted that the matter had originally been considered by Plans Panel East at its meeting on 1<sup>st</sup> December 2011 which had recommended that a Public Inquiry be called to consider the application but due to the new panel

boundaries, it would be for this Panel to determine whether the Inspector's report should be accepted

The Panel's Legal Adviser presented the report and explained that it was the Inspector's view that whilst the application met some elements of the criteria for proving that the land had become a village green, other elements had not been met and that it was the decision of the Inspector to reject the application

Councillor Finnigan voiced the disappointment of the local Ward Members to the decision and paid tribute to the efforts of the applicants in seeking to retain what was a well-used area of land in Churwell

**RESOLVED** - That the report of the Inspector be accepted and that the application to register land at Pit Hill Churwell as a town or village green be rejected

## **7 Applications 11/04988/FU and 12/04048/FU - Land at Daisy Hill, Morley**

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to applications for the demolition of outbuildings, laying out of access road and the erection of 92 houses with landscaping at Daisy Hill, Morley

Members were informed that application 11/04988/FU had been considered by Plans Panel East, with the formal application being presented to that Panel on 6<sup>th</sup> September 2012. At that meeting, Members had not accepted the Officer's recommendation to approve the application and had requested a further report setting out possible reasons for refusal of the application based on the concerns raised about sustainability, with particular reference to policies set out in the National Planning Policy Framework (NPPF)(minute 54 of the Plans Panel East meeting held on 6<sup>th</sup> September 2012 refers). Due to the changes in the boundaries of the Plans Panels, it was now for South and West Panel to consider the matter. A copy of the report submitted to Plans Panel East on 6<sup>th</sup> September 2012 was appended to the report, for information

Since that meeting, there had been further developments, which Members needed to consider; these being the lodging of an appeal against non-determination in respect to of application 11/04988/FU and the submission of a new application for the site which was for the same form of development as considered by Plans Panel East

As Members could not now determine the 2011 application, South and West Panel was being asked to consider whether to contest the appeal on the 2011 application and whether it was content to defer and delegate approval of the latest application to Officers, subject to no new issues being raised prior to the expiry of the period of public consultation on that application

In respect of the decision taken by Plans Panel East on 6<sup>th</sup> September, the Panel was informed that Officers had looked closely at the issues raised by Members at that meeting but had concluded that it would be extremely difficult to sustain reasons for refusal and for this reason, the report did not contain possible grounds for refusal of the 2011 application

The Lead Officer of the former Plans Panel East outlined the application and informed Members that the site was allocated in the UDP as a Phase 2 greenfield site; with two Inspectors having concluded that the site was sustainable

The proposals were for 92 houses for varying sizes in semi and detached form arranged around a crescent. Public open space (POS) was provided on site and 15% affordable housing was to be provided, this being “pepperpotted” around the site

The spatial setting of the properties was considered to be acceptable and although Plans Panel East Members had raised concerns about the sloping nature of the gardens, this had been considered further with Officers being satisfied that the gardens could be fully used as the slope was a gentle one. The issue of the steep drop from part of the site to Morley railway station below had been addressed by the provision of a 2m high close-boarded fence

In respect of drainage issues, storage tanks would be sited in the POS to channel the water away at greenfield run off rates, so the development should not make the existing situation any worse

In terms of visual appearance, the design of the properties picked up some of the characteristics of properties in the area

Further representation from Morley Town Council and Councillor Leadley were reported with Councillor Leadley’s comments being read out to the Panel

In terms of S106 contributions, all these had been met; Officers were now satisfied that the layout of the properties met with guidance contained within ‘Neighbourhood for Living’ and that there were no technical objections to the application although it was accepted that there was a significant number of objections from local residents to the proposals. If minded to approve the 2012 application, Members were informed that the applicant had stated they would withdraw the appeal and make an early start on site

The Panel heard representations from an objector and the applicant’s agent who attended the meeting

Members discussed the following matters:

- drainage and flooding
- the lack of places in local primary and secondary schools
- public transport provision, with concerns at the distance from the site of the main bus route and the infrequency and unreliability of the buses serving this area and capacity issues on the trains which served Morley

- the principle of developing greenfield sites ahead of brownfield sites and that this did not accord with guidance in the NPPF
- the concerns of Officers about the ability to sustain grounds for refusal at appeal and the recent successful appeal outcomes where development had been resisted, often against Officer advice
- the difficult economic situation and that the application provided an opportunity to build homes and create employment
- the way forward, in the event the Panel did not accept the Officer's recommendation contained within the report in view of no grounds for Plans Panel East's refusal of the application being provided

The Head of Planning Services stated that where an Officer's recommendation to approve an application was overturned, it was incumbent upon Officers to submit a further report setting out reasons for refusal for Panel's determination. In this case, officers were of the opinion that they were unable to provide reasons that would be sustainable at appeal. Members were informed that the presumption of the NPPF was in favour of sustainable development and of the 11 cases on greenfield sites which had gone to appeal, all had been lost as it was the view of the Inspector that the city did not have a 5 year land supply. Whilst the final decision on the applications rested with Members, it was the duty of Officers to provide proper advice

A proposal to accept the Officer's recommendation was made and seconded

**RESOLVED** - To note the report and to not contest the planning appeal against the non-determination of planning application 11/04988/FU and to defer and delegate approval to the Chief Planning Officer of application 12/04048/FU as recommended in the attached report (6<sup>th</sup> September 2012 – Appendix 1) and following completion of a S106 Agreement and no new issues being raised prior to the expiration of the public consultation period

Under Council Procedure Rule 16.5, Councillor Wadsworth and Councillor Wood required it to be recorded that they abstained from voting on the matter

## **8 Application 12/01332/OT -Land at Bruntcliffe Road, Morley**

Plans, photographs and graphics were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought approval for an outline application to erect a residential development on land at Bruntcliffe Road Morley LS27. Members noted that a position statement had been considered in detail by Plans Panel East at its meeting on 9<sup>th</sup> August 2012 with the minute from that meeting being included in the report before Panel. A copy of the report considered by Plans Panel East on 9<sup>th</sup> August was appended to the report for Members' information. As the Morley area now fell within the remit of South and West Plans Panel, it was for this Panel to determine the application

A late representation from Morley Town Council was reported which raised concerns about the loss of employment land and that the removal of this

should be dealt with through the Development Plan Panel process. Concerns were also raised about the figures for the site areas of the various uses and those in the UDP, with the presenting officer clarifying these for the Panel. It was noted that Morley Town Council felt that given the discrepancies in the report before Panel, the application should be deferred or refused, with concerns also being raised that the issues highlighted by Plans Panel East had not been adequately dealt with

Officers updated Members on key elements of the application relating to noise and highways issues. Ward Members had been consulted about highways matters with Councillor Elliott objecting to the proposals and Councillor Dawson remaining unhappy with the scheme

Members were informed that the contribution for bus stop improvements was £60,000 and not £20,000 as stated in paragraph 2.4 of the submitted report; that the amount for public transport improvements equated to £960 per dwelling, not £1226 per unit and that the greenspace contribution would be £244,000

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members discussed the application and commented on the following matters:

- the possibility of a larger residential development in this area in view of the applicant's representations to consultation on the Core Strategy
- the lack of school places in Morley both in primary and secondary schools
- public transport provision with concerns that the bus services were inadequate to serve the development
- the loss of employment land and that industrial land provided long-term jobs, whereas housing land created transitory jobs
- highways issues, particularly safety concerns at Bruntcliffe Road
- that the proposal did not comply with the UDP and in the interests of consistency with the decision taken on the applications at Daisy Hill (minute 56 above) this application should be refused

Proposals both for and against the Officer's recommendation were made, seconded and voted upon

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer, subject to the specified conditions in the submitted report and following completion of a Section 106 Agreement to cover the following matters:

- provision of Metro Cards - £73,154.40
- bus stop improvement - £60,000
- green travel plan
- contribution to off-site highway works
- contribution to education enhancements - £800,321

- public transport improvements - £960 per unit
- provision of 15% affordable housing (within 2 years)
- provision of on-site greenspace – POS measures 0.78ha, the buffer planting between the residential allocation and employment allocation measures 0.56ha, the open area located between the most southerly residential dwellings and the M62 measures 0.72ha

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

## **9 Application 12/02974/RM - Rear of Waterwood Close, West Ardsley**

Plans and drawings were displayed at the meeting

Officers presented the report which sought approval of a Reserved Matters application for the erection of 12 detached, two storey dwellings, laying out of access road and associated landscaping on a largely greenfield site to the rear of 7 Waterwood Close West Ardsley

Members were informed that the design of the properties had been amended and now reflected the characteristics of the adjacent properties and that a reduced scheme was being proposed as the original 14 property scheme did not provide the spacing required by Officers

Receipt of a further four objections had been received following the submission of the revised plans

The Panel heard representations from an objector who spoke about overlooking and access issues, concern regarding loss of views. Members were also presented with photographs of the objectors property and views from it, to illustrate the issues referred to.

Members commented on the following matters:

- the cumulative impact of this development and other sites in the area which were too small to require affordable housing and other planning contributions but which when taken together would have a considerable impact on services and that the application should be deferred to enable proper consideration of this to take place
- that the site was not in a sustainable location

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions attached to outline permission 11/04754/OT and the further conditions set out in the submitted report

## **10 Application - 12/02259/FU - 1214 Dewsbury Road, Tingley**

Draft minutes to be approved at the meeting  
to be held on Thursday, 8th November, 2012

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought approval for the erection of one block of 3 houses on vacant land adjacent to 1214 Dewsbury Road Tingley

Members were informed that in terms of the principle of development, the site was an area of unkempt land which had in the past been used as a road. It provided little character; did not enhance the streetscene; was located in a sustainable location in close proximity to bus stops and was considered acceptable to develop. An ash tree located on the site had been removed but that a condition was being proposed for the implementation of a landscaping scheme to accompany the proposed development

In terms of the spatial setting of the proposed properties, this was in excess of guidance contained in 'Neighbourhoods for Living' and private amenity space was to be provided in the development

Regarding highways issues, parking provision was considered to be acceptable but in respect of the Council's Street Design Guide the application did not accord to the guidance which required no more than 5 dwellings to be served off a private drive. In this case 6 properties were already served from a private drive, although these properties fronted on to Dewsbury Road for pedestrian access. Whilst the application could potentially result in a higher number of properties taking access off an unmade road it was felt in this case there were mitigating circumstances, i.e. the existence of pedestrian access at the frontage. Members were also informed there were no highway visibility issues

The Panel heard representations from an objector who attended the meeting

Members discussed the application and the highways issues it raised and were informed that the drive would be made up to an adoptable standard but would not be formally adopted, with condition no 5 to be reworded to clarify this

Concerns remained that the proposal, whilst considered to be acceptable to Officers, was not in line with the Council's own guidance on the number of dwellings served off a private drive

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report and the rewording of condition no 5 to specify the drive to be laid out to an adoptable standard

Following consideration of this matter, Councillor Wadsworth left the meeting

**11 Application - 12/02434/FU - Former Manor Park Surgery, Bellmount Close, Bramley**

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a part-two storey, part single storey front, side and rear extension including pharmacy, opticians and laying out of car park at Manor Park Surgery, Bramley LS13

Members were informed that the Primary Care Trusts were encouraging the provision of 100 hour surgeries and that the proposals would provide this together with specialist GP-led clinics and improved facilities for patients; the inclusion of a pharmacy in the scheme was to fund the development. The Panel noted there was an existing pharmacy on the site

Although the site was an edge of centre site, a sequential test was not needed in this case due to the limited amount of A1 retail floor space being provided

To address concerns raised about late night noise and disturbance, the applicants had agreed to amend the pharmacy opening hours so it would close at 10.00pm, rather than 11.00pm as originally proposed. Conditions requiring provision of external lighting and appropriate boundary treatments would be included

The scheme complied with Highways policies and would provide increased car parking with conditions being imposed which required the provision of a Green Travel Plan and cycle parking and storage

The Panel's Lead Officer referred to paragraph 6.4 of the report and stated that the reference there to Ward Members was incorrect and that it should be corrected to note that Councillor Hanley had called the public meeting referred to.

Officers reported the level of representations received to the proposals and informed Members that 4 additional letters of representations had been submitted since the report was written and that 154 standard letters of objection had been received, together with a 627 signature petition in support of the proposals

The Panel heard representations from three objectors and from the applicant who attended the meeting

Members discussed the following matters:

- the services to be offered at the proposed new pharmacy
- that the proposals would not lead to an increase in patient numbers
- the extended surgery opening hours and whether in the future the 100 hours could be reduced
- the increased level of parking and whether this would be for the benefit of patients or staff



- the impact of the proposals on the existing pharmacy and staff working there

In relation to the discussions around the provision of an additional pharmacy and whether a sequential test was needed, the Head of Planning Services read out the relevant paragraph from the NPPF and reiterated the view that for very small scale development a sequential test was not needed. Members were also informed that in the case of pharmacies, it was often the case that these were allied to GP surgeries and were not always located in centres and that the issue of competition was not a planning matter

**RESOLVED** – That the application be approved subject to the conditions set out in the submitted report

## **12 Application 12/03260/FU - Former Prestige Car Sales Centre, 2 Town Street, Stanningley**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought a change of use and alterations of a former car sales showroom to retail unit (A1 use) and electrical wholesaler with trade counter (B8 use) at the former Prestige Car Sales Centre on Town Street Stanningley LS28

Members were informed that the application was a resubmission of a recently refused application which had been amended to overcome the previous highway reason for refusal, with Highways now being satisfied on the layout of the car parking

The level of representations which the application had attracted was reported with Members being informed that 8 individual letters of objection had been received along with a 130 signature petition opposing the development, with many concerns being raised that the main retail unit would be a supermarket. Officers stated that an A1 use was being sought for that element of the building but that competition between retailers was not a material planning consideration. Conditions restricting the hours of use of the premises were proposed, with a closing time of 11pm for the A1 use and 6pm on the B8 use

The Panel heard representations from an objector and the applicant's representative who attended the meeting

Members commented on the following matters:

- the likely number of deliveries at the site and the size of the vehicles to be used
- the impact of the A1 unit on local shops and other retail centres close by
- local employment provision and that this should be dealt with by way of a S106 agreement

- the proximity of the access to the car park from Stanningley Road junction; that this would be a tight turn with concerns being expressed about this
- whether the increased number of vehicle movements associated with the scheme had been taken into account
- that the inclusion of a pedestrian crossing in the scheme should be reconsidered
- that the premises had previously been in use for many years without leading to highways issues and had included an element of car maintenance so leading to greater traffic movements than that of a stand alone car showroom

The Head of Planning Services suggested that in view of the comments which had been made that determination of the application be deferred to enable further highways information relating to the number of movements in and out and the accident record at the site to be provided

A proposal to refuse the application was made and seconded on the basis of road safety. Although concerns were raised about possible anti-social behaviour, it was the view of the Head of Planning Services that a reason on this ground could not be formulated

As there was an equality of votes for and against the proposal to refuse the application, the Chair declined to use her casting vote and proposed that the application be deferred to enable further information to be provided at the next meeting on the highways issues which had been raised

**RESOLVED** – That determination of the application be deferred and that the Chief Planning Officer be asked to submit a further report to the next meeting which included greater detail on the traffic movements likely to be generated from the development and the accident record at the site

### **13 Application 12/03473/FU - 35 Claremont Drive, Leeds**

Further to minute 45 of the Plans Panel West meeting held on 13<sup>th</sup> September 2012 where Panel resolved to defer and delegate approval for a change of use of a former Children's Home to a 7 bed house in multiple occupation (HMO) at 35 Claremont Drive LS6, subject to no new material planning considerations being received prior to the expiry of the publicity period on 14<sup>th</sup> September 2012, the Panel considered a further report

Officers presented the report and stated that a representation had been received which related to a personal condition which had been attached to the 1990 planning permission, specifying that if National Children's Home (NCH) ceased to own or occupy the premises then the lawful planning use of the property would revert to Class C3 Dwelling House

Members were informed that NCH were still the owners so the property retained its lawful C2 use but in the interests of transparency and probity, it was felt it was appropriate to report this back to Panel

To address local concerns that the property was being advertised as a 9 bed house in multiple occupation, the applicants had been contacted and had stated the intention was for a 7 bed house, with an additional condition to that effect being proposed for Members' approval

Panel discussed the application with concerns being raised that the information which had been received was significant as it meant that if NCH ever vacated the premises it would become a C3 dwelling and that there had been some support for the property to revert to a family home when the application was discussed in September 2012. Concerns were also raised about the overdevelopment of HMOs in the area and the over-intensive use of this site and the loss of a building that could potentially return to family accommodation

**RESOLVED** - That the Officer's recommendation to grant permission be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out reasons for refusal based upon the concerns raised above.

**14 Application 12/02712/FU - Land at Woodhouse Street, Woodhouse, Leeds**

Plans, photographs, drawings and graphics were displayed at the meeting

Officers presented the report which sought approval for an application for a part three storey, part four storey block of 18 cluster flats (112 rooms), retail store at ground floor and associated parking and landscaping at Woodhouse Street LS6

Members were informed that the site was a cleared, brownfield site in a largely residential area in a highly sustainable location, close to the Universities. Student accommodation in a BREEAM excellent rated building was being proposed with wider benefits being provided through the extinguishing of several claimed pedestrian routes along the site, with these being improved, illuminated and being brought up to adoptable standard

A retail unit was being proposed in the scheme which would have a dedicated, 20 space car park, with separate student car parking of 16 spaces being provided within the site

Receipt of two further letters of support were reported

In terms of the principle of development, the proposals were acceptable. In respect of the retail unit, Members were informed that a sequential assessment had been carried which had satisfied policy criteria for this use with the whole scheme according with the Development Plan and emerging Core Strategy

The Panel heard representations from an objector and the applicant's representative who attended the meeting

Members commented on the following matters:

- the level of car parking being provided for students with concerns that this was insufficient and would serve to exacerbate the already significant parking problems in the area
- the level of representations in favour of the proposals and whether these had been sent by local people who were familiar with the issues faced in this area
- the possibility of conditioning the use of the flats by post-graduate students. On this matter the Panel was informed that this would not be possible but that it as envisaged that the development would be desirable to overseas, older students
- the level of student accommodation which existed in the city
- the scale of the proposals, with concerns that it was overintensive

The Head of Planning Services stated that concerns existed as it was possible for funding to be obtained to build student accommodation and that there was a need to consider at what point a grouping of student accommodation became a concentration and that some research was being undertaken on this currently

Members considered how to proceed and discussed possible reasons for refusal of the application

**RESOLVED** – That the Officer’s recommendation to approve the application in principle and defer and delegate approval to the Chief Planning Officer be not accepted and that a further report be submitted to the next meeting setting out possible reasons for refusal based upon concerns relating to scale, massing and overdevelopment of the site

During consideration of this matter, Councillor C Gruen left the meeting

## **15 Pre-application presentation - Proposed replacement primary School - Wide Lane, Morley**

Plans, photographs and graphics were displayed at the meeting

The Panel considered a report of the Chief Planning Officer on proposals for a replacement school for Morley Newlands Primary School which was situated on Wide Lane, Morley LS27

Members were informed that the current school building dated from the 1950s and had a variety of temporary classrooms and additions to it, in an unorganised way. The proposals for a new school presented an opportunity to redevelop the school and plan it properly so that it enhanced the area

The Panel was informed that Councillor Elliott had been due to address Panel on the proposals but that a family bereavement had prevented her

attendance, although a short statement by Councillor Elliott was read out to Members

Members then received a brief presentation on the proposals by members of the applicant's development team who provided the following information:

- the proposal was to increase the capacity of the school to 630, giving a 3 form entry primary school
- there was a need to keep the building operational during the construction of the new school
- to help deal with drop off problems at the school, the new building would provide a parent drop off zone within the site which would have in and out access
- separate pedestrian and vehicular entrances were being considered as was a new pedestrian crossing over Wide Lane
- additional sporting facilities would be provided for use by the community
- the building would form a buffer to the main road with the play areas being located at the north of the site away from the road
- a school plaza would be provided to afford the opportunity to meet and talk before the school day began
- the building would be two storey which would reduce the footprint so creating more open areas on site which would include allotments for use by the school and community
- the building would be designed to provide a new gateway to Morley
- a BREEAM very good rating was being sought for the building

Members commented on the design qualities of the images shown and Councillor Finnigan as a Morley Councillor, welcomed the proposals but stated the importance of ensuring community use of the school and the need to consult fully on the highways issues

**RESOLVED** – To note the report, the presentation and the comments now made

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

**RESOLVED** – To note that the next meeting will take place on Thursday 8<sup>th</sup> November 2012 at 1.30pm in the Civic Hall, Leeds