

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 1ST NOVEMBER, 2012**

**PRESENT:** Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,  
M Harland, C Macniven, J Procter,  
E Taylor, G Wilkinson, B Selby and  
J Harper

### **10 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

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

There were no declarations of disclosable pecuniary interests or other interests

In respect of application 12/03300/ADV – Churchfields, High Street Boston Spa - Councillor Wilkinson stated that he had commented on the application before he became a Member of North and East Plans Panel and having discussed this with the Panel's Legal Adviser was informed that he could participate in considering this application (minute 17 refers)

### **12 Apologies for Absence**

Apologies for absence were received from Councillor A McKenna who was substituted for by Councillor J Harper

### **13 Minutes**

**RESOLVED** - That the minutes of the North and East Plans Panel meeting held on 4<sup>th</sup> October 2012 be approved

### **14 Application 09/04018/FU -Engineering works to form flood storage area - Land off First Avenue Bardsey LS17 9BE**

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

The Panel's Lead Officer provided a brief history of the site, for Members' information

The Panel was informed that outline planning permission was granted in 1997 for the erection of 6 houses. The Reserved Matters application was however refused on issues relating to design and that the scheme did not take flooding into account. The applicant lodged an appeal and planning permission was subsequently granted by the Inspector. A S106 agreement was entered into which stated that provision would be made to address the flooding before commencement of the development, with this being accepted by the Inspector

In 2006, a flood compensation scheme was submitted which the Environment Agency (EA) in January 2007, did not object to. In July 2007, a severe flooding event occurred which resulted in the EA revising their position, stating that the proposed scheme was not fit for purpose. Since that time until recently, the EA's concerns were maintained and discussions to resolve the situation had been ongoing

In 2008, the developer commenced laying out the foundations for a garage block on the site but was informed that work must stop as this was in breach of the S106 agreement. The developer complied with this request but the works which had been carried out on site meant that the planning permission remained live, with this being checked with Legal Services

Having been provided with contextual information in respect of the application, Officers then presented the report to Panel which sought approval for a flood compensation storage area relating to an approved residential development which was located in the functional floodplain (Zone 3b)

The proposals were to raise the properties by 50cm and displace the water towards the floodplain area – Keswick Beck. A cut and fill operation would be used, with the materials excavated being used to create a bund of up to 1.5m high, which, as well as being requested by the EA, would also provide a greater degree of comfort to the residents in the area. Outlet pipes would be placed in the bund and whilst local concerns had been raised about the sewer which crossed the site, Members were informed that the sewer would not be impacted on

To ensure the bund did not create more flooding, an agreement had been obtained with two adjacent landowners that their land could be flooded if a 1:100 year flood event occurred

In respect of the EA, it was now satisfied that the proposed scheme was acceptable, as was Yorkshire Water and the Council's Flood Risk Manager

Whilst there had been a significant level of objections received to the scheme proposed in 2009, since the revised scheme which was before Members had been advertised, it was reported that no representations had been received

Members commented on the following matters:

- the issues raised previously by local residents and set out in paragraph 6.2 of the submitted report and whether these had been resolved
- whether the proposed scheme would benefit the residents of Paddock View
- the need for the bund to be maintained and for this requirement to be set out legally
- that flooding was a major issue but that development was continuing to be allowed which had an impact on this

- that the proposals would not be of any benefit to those living further down stream who invariably were affected the most

Officers provided the following responses:

- that the issues raised in paragraph 6.2 of the report related to the previous scheme and had been addressed by the scheme before Members. The Competent Authority in this case was the EA which was satisfied with the proposals and there was a degree of betterment provided by the scheme, for residents. Bardsey Parish Council had not commented on the revised proposals and there had been no representations received from the public
- that the scheme would benefit the residents of Paddock View
- that it would be for the Council to ensure that those matters covered in the S106 agreement would be enforced and in perpetuity; that Officers would need to be satisfied that the flood compensatory storage scheme was in order before the development commenced and that the proposed wording of the S106 agreement could be revised to highlight the requirement for the bund to be retained and maintained

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

- The housing development approved under ref 31/200/00/RM will not be continued until the proposed flood storage area and the bund, approved under application ref 09/04018/FU has been completed and authorised as such in writing by the Local Planning Authority
- The applicant or successors in title of the proposed site or any part of the land shall retain and maintain the flood storage area and bund provided under application ref 09/04018/FU for the life of the residential development
- The applicant or successor in title of the land or any part of the land under application ref 09/04018/FU to enforce the requirement of the written agreements from Mr C N and Mrs S Lupton and Mr E Gilchrist, both dated 26.04.2012 to provide the floodwater capacity for the approved developments refs 32/200/00/RM and 09/04018/FU

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

**15 Application 12/03034/FU - Partial demolition of existing retail units and extension of existing supermarket; car parking; laying out and landscaping to Hallfield Lane car park - Morrisons Supermarket 7-8 Horsefair Centre 22-28 North Street Wetherby LS22**

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

It was the decision of the Chair to consider the corresponding Conservation Area application (minute 16 refers) simultaneously, although each application would be determined individually

Officers presented the report which sought permission for an extension to the existing Morrisons supermarket at the Horsefair Centre, North Street

Wetherby LS22 which would include the partial demolition of existing retail units together with landscaping and improved car parking to the Council owned Hallfield Lane car park

A revised plan was shown to Panel which included a coach drop off point and pedestrian link which the applicant had now included in response to comments from Ward Members and Wetherby Town Council. Also to address local concerns, the residents' car parking spaces within the Hallfield Lane car park would be retained

A garden area would be provided at the corner of the site and whilst the scheme did not include public toilets, it did not preclude these being provided at a later date if funding could be provided

In relation to improvements to the Hallfield Lane car park, this would include a new hard surface; lighting and landscaping. Although there would not be an increase in the number of spaces being provided, the 144 spaces would be marked out in the car park with the ratio between short and long stay spaces to be resolved by Highways Officers, in consultation with Ward Members

The receipt of a further letter of representation was reported, although it was stated that this did not raise any material planning issues

Members commented on the following matters:

- the lack of toilets in the scheme. Members were informed that toilets would be provided in the supermarket but these would not be public ones; although the provision of these was an aspiration and the layout of the proposals could accommodate them
- the likelihood of the scheme being implemented in view of proposals from Asda for a store on land at Standbeck Lane. On this, Officers stated they were unable to comment on the motivation behind the application but stressed that it complied with policy

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

**16 Application 12/03035/CA - Conservation Area application for partial demolition of existing retail units and covered mall - Morrisons Supermarket - 7-8 Horsefair Centre 22-28 North Street Wetherby LS22**

With reference to the previous discussions (minute 15 refers), Panel considered a report of the Chief Planning Officer relating to a Conservation Area application for demolition of existing units and covered mall, to facilitate an extension to Morrisons supermarket at the Horsefair Centre, Wetherby LS22

**RESOLVED** - To grant consent subject to the conditions set out in the submitted report

**17 Application 12/03300/ADV - Retrospective consent for six flag signs and two non-illuminated signs at Churchfields, High Street Boston Spa LS23**

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

Officers presented the report which sought retrospective approval for temporary planning approval for a period of three years for marketing signs advertising a forthcoming residential development which was located in a Conservation Area

Members were informed that an earlier application to introduce a similar arrangement of signs across the frontage of the site was refused due to the proposals being harmful to the visual impact of the St Mary's Church and to the character of the Conservation Area. The revised scheme was considered to be acceptable; the signs were felt to be discreet and only noticeable when in close proximity to them and that the long distance views from Boston Spa were protected

The Panel discussed the application with there being mixed views on the intrusive nature of the signs

Concerns were raised that the applicant, a major house builder, should have been aware that planning permission was required for these signs, prior to them being erected. That fact that the hedge immediately adjacent to the signs was deciduous was raised as this would lead to greater visibility of the signs for several months of the year

In respect of the timescale of the application, although this had been presented as a temporary consent for three years there was concern that due to the housing market, the timescale for completion of the residential development could be much longer. On this point, the Chair advised that if the site had not been completed within the three year period, a further application would be required to renew the temporary consent for the signs

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the condition set out in the submitted report

## **18 Application 12/01141/FU - Detached house at Plot 1, Land adjacent to 8 Lowther Avenue Garforth LS25**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought permission for a single detached dwelling on land adjacent to 8 Lowther Avenue Garforth LS25 and provided a brief history of the site, with Panel being informed that an outline application was granted in 2007 followed by approval of the Reserved Matters application in 2008. At that time the site was considered to be a brownfield site, but in view of changes introduced to national planning policy in June 2010, the site was now considered to be greenfield. Members were informed that had there not been an extant permission for the site, a less intensive scheme would be sought for the site. What was being proposed in the application before Panel was essentially the same building which had approval apart from the removal of a chimney and the addition of a single storey rear extension with additional side windows

Concerns had been raised about the relationship between the proposed house and the neighbouring properties but that an accurate street plan had now been provided. In recommending approval of the scheme to Panel, Officers had noted the fall-back position which existed in this case and

that most of the alterations could be allowed under permitted development rights

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

Clarification was sought on the issue of height of the proposed dwelling, with Panel being informed this would be 5.6m to eaves height and 8.9m to ridge height, with the height of 9 Lowther Drive being given as 2.5m to eaves height and 6.4m to ridge height

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report

**19 Application 12/04100/FU - First floor side extension with window to side - 60 Jackson Avenue Gledhow LS8**

Plans, photographs and drawings were displayed at the meeting

Officers presented a report to Panel seeking approval for a first floor side extension with window to the side at 60 Jackson Avenue Gledhow LS8. Members were informed that as the applicant was a senior officer of Highway Services, it was considered appropriate for Panel to determine the application

If minded to approve the application, an additional condition was recommended regarding clarification to be provided of the window detail

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring revised plans to be submitted which clarified the window detail

**20 Date and Time of Next Meeting**

Thursday 29<sup>th</sup> November 2012 at 1.30pm in the Civic Hall, Leeds