

## **Plans Panel (East)**

**Thursday, 6th September, 2012**

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

Councillors C Campbell, R Finnigan,  
R Grahame, M Harland, G Latty,  
C Macniven, A McKenna, J Procter,  
E Taylor and P Truswell

### **50 Chair's opening remarks**

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

### **51 Late Items**

There were no late items

### **52 Declarations of Disclosable Pecuniary and Other Interests**

There were no declarations of disclosable pecuniary interests, however in accordance with paragraphs 19-20 of the Members Code of Conduct, the following declaration was made by Councillor R Grahame, who felt it was in the public interest to do so:

Application 12/027038/FU – 56 The Drive Crossgates LS15 – through Councillor Grahame's wife, Councillor P Grahame's involvement in the application as a Ward Member (minute 56 refers)

### **53 Minutes**

**RESOLVED** - To approve the minutes of the Plans Panel East meeting held on 9<sup>th</sup> August 2012

### **54 Application 11/04988/FU - Demolition of outbuildings, laying out of access roads and erection of 92 houses with landscaping - Land at Daisy Hill Morley LS27**

Further to minute 34 of the Plans Panel East meeting held on 12<sup>th</sup> July 2012, where Panel considered a position statement on the application, Members considered the formal application. It was noted that a site visit had taken place prior to the meeting held on 12<sup>th</sup> July 2012

Prior to the presentation of the report, the Chair asked that for the benefit of the public who were in attendance for this item, relevant aspects of the planning system be outlined

The Panel's Lead Officer explained that in determining a planning application, a decision maker, this being the Panel, had to have regard to the development plan, this currently being the UDP, unless there were material reasons for not doing so. Furthermore, in this particular case, the site was allocated for housing development

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and therefore the principle of residential use was established, although the detail of the scheme was likely to form the basis of the debate on the application

Plans, photographs and drawings were displayed at the meeting

Officers presented the report for a residential scheme comprising 92 houses with landscaping and access on a greenfield site at Daisy Hill, Morley LS27 and addressed the issues which had been raised by Panel when considering the position statement

Regarding the degree of openness to the street frontage, whilst consideration had been given to setting the houses further back, this would impact on vehicular access arrangements and therefore the siting of the properties would remain the same although improved landscaping to the front would now be included

Concerning the steep drop to some properties on the southern boundary, a close-boarded fence would be provided and plots 22-23 would be resited 1-1.5m further away from the boundary

In respect of highways, whilst the comments contained in the previous report remained, a reassessment of the junction with Victoria Grove had been undertaken but that a TRO to provide double yellow lines was proposed in order to maximise safety in this location

In terms of education provision, the applicant had agreed to provide the full amount required in the S106 Agreement for this scheme and it would be for Children's Services to decide how this contribution would be used

Environmental concerns and that there had been previous complaints about the odour from the nearby industrial uses but that the level of complaints had decreased and that the operators were working within the Environmental Permits

In relation to the appearance of the proposed dwellings, the applicant had carried out and submitted a character assessment of the area which had concluded there was no specific character of housing in the area, however reference had been made to aspects of the surrounding properties in the design details of the dwellings

At this point, due to the level of public attendance for this meeting, the Chair asked if those not attending for this application would wait in the Ante-Chamber where they would be called at the conclusion of this item

Officers stated that the proposal complied with the guidance in 'Neighbourhoods for Living and further updated the report stating that a Metrocard scheme was to be agreed; that further information had been provided in respect of the Code for Sustainable Housing with conditions around sustainability being recommended and that in respect of noise and disturbance, this matter had been considered and was felt to be acceptable, subject to the condition set out in the submitted report. If minded to accept the Officer's recommendation to approve the application, Members were informed that condition 21 in the submitted report should be deleted and that the wording of the recommendation should be altered to include Affordable Housing provision of 15%

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

Members discussed the application and commented on the following matters:

- the level of consultation the applicant had engaged in with local residents

- public transport provision; the proximity of the nearest bus stop which exceeded the distance regarded as acceptable by an Inspector on a scheme in another part of the city and the frequency of bus services
- education provision for the estimated 21 primary school children from the development, in view of a lack of places at several primary schools closest to the site
- drainage, with concerns that the proposed attenuation measures would have an impact on drainage further along at the Ring Road and concerns that the proposed measures might not be sufficient in view of the recent wet weather
- the proximity to the site of industrial uses; that a well-established business employing a large number of local people could be affected if the number of environmental complaints increased and the acceptance in the Officer's report that there was little, if anything which could be done to eliminate odours from this use
- the population figures for Leeds and the number of planning permissions granted for residential units
- the siting of the affordable housing with some concerns that whilst this was in several locations and it met the requirements of Officers, it did not represent true peppercorning,
- whether health providers had been consulted or made aware of the proposals as in view of the scale of the development, this would impact on health provision
- the provision of the close-boarded fence; the maintenance of this and the POS beyond it and continuing concerns about the proximity of the houses close to the cliff edge and overdevelopment of the site
- highways issues and concerns that the development would have a detrimental impact, particularly on Churwell Hill
- concerns at the principle of residential development on the site and that greenfield sites should be protected
- the efforts of the Council to craft a new relationship with volume house-builders and disappointment at the scheme being presented for approval

Officers provided the following responses:

- that the normal expectation for a development of this type and location would be for bus stops to high frequency services to be within a 400m walk of the site or a rail station to be within a 800m walk. Whilst bus stops were within 400m, the services available were not high frequency. However, the site was a short walk to the rail station giving access to Leeds and access to public transport was considered to be acceptable. In addition, high frequency bus services were available approximately a 700m walk from the site and the applicant was to fund reconstruction of the footpath between Daisy Hill to the rail station. This link would benefit the site and also existing residents. In terms of the number of traffic movements the scheme would generate, the transport assessment which had been submitted had been audited using the industry standard TRICS database and Officers were satisfied the development would not have a significant impact on the local road network including Churwell Hill

- that drainage from the development would go into the existing water course with attenuation measures being provided to ensure the run-off rates were at greenfield level so ensuring the impact of the development did not worsen the current situation. Whilst Members might wish to see an improved situation, the planning judgement used for new development was that it should not make the existing situation worse
- that Officers were not in possession at the meeting of the 2011 census figures but that the figures were within 5,000 of the estimate of the Core Strategy and that in terms of agreed planning permissions for residential units, there were 21,600, with the annual target in the draft Core Strategy being for 3,500 extra residential units per year with currently around 2,000 being provided. On this matter, the Chief Planning Officer referred to the Secretary of State's announcement earlier in the day of the relaxation of permitted development rights and S106 agreements and the possibility of taking the determination of applications into the hands of the Planning Inspectorate where concerns existed over the speed and quality of the work of the local planning authority
- that there was currently no requirement to make extra provision for health services through the planning system, although a dialogue was being developed around making these links
- that the responsibility for maintaining the fence would rest with the residents but that a management plan was required to be submitted for the POS beyond it

Members considered how to proceed and further discussed areas of concern; the limitations of the site and the possibility of sustaining reasons for refusal on appeal

**RESOLVED** - That the Officer's recommendation to grant planning permission be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out further information and possible reasons for refusal based upon the unsustainability of the site with reference to the policies set out in the National Planning Policy Framework (NPPF)

Following this item those members of the public who had vacated their seats to help alleviate the overcrowding in the room, were invited back into the meeting

#### **55 Applications 12/01807/FU, 12/01808/FU & 12/01810/FU - Alterations and externally illuminated signage to the Old Star Inn, Leeds Road, Collingham, Wetherby LS22**

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

Officers presented the report which related to alterations and signage to the Old Star Inn, Leeds Road Collingham which was sited in the Collingham Conservation Area and was regarded as an important gateway feature

Reference was made to the significant level of representations which had been received about the application and whilst one concern was the intended use of

the premises as a convenience foodstore, it was stressed that a change of use of the premises to A1 retail was permitted development

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

In discussing the application, issues relating to parking, pedestrian access and the relationship of the property to the remaining unit on the site were raised and in view of this the Chair proposed that consideration of the application be deferred

**RESOLVED** - To defer determination of the application to enable further consideration of the issues raised and that a further report be brought to Panel in due course

**56 Application 12/02738/FU - 3 bedroom detached house incorporating second floor ancillary granny annex to garden plot (part retrospective) - 56 The Drive, Crossgates, Leeds, LS15 8EP**

Further to minute 201 of the Plans Panel East meeting held on 19<sup>th</sup> April 2012, where Panel resolved to refuse the latest version of an application for a 3 bedroom detached house with second floor granny annex at 56 The Drive, Crossgates LS15, the Panel considered a further report

Officers presented the report and provided a brief planning history of the site and informed Members that the application being considered was similar to the scheme considered in April 2012

Members were informed that the height of the dwelling was a key factor in this lengthy process and were shown photographs which had been taken on the original site inspection in 2005 and more recent photographs, with concerns that the ground levels had been altered

Receipt of a further representation was reported which referred to the lengthy process and the consistent opposition to the scheme by local residents, Ward Members and the local MP

**RESOLVED** - That the application be refused for the following reason:

The proposed retention and modification of the dwelling house would by reason of its excessive height and resulting scale, mass and bulk and overall design relative to its immediate neighbours, appear obtrusive and represent a discordant feature in the street scene to the detriment of the character and appearance of the area. As such, the development would be contrary to Policies GP5, N12 and N13 of the Leeds Unitary Development Plan (Review), residential design guide for Leeds 'Neighbourhoods for Living' and the design advice contained within the National Planning Policy Framework

**57 Application 11/05133/FU - Detached annex to form ancillary accommodation to front - 3 Quarry Road, Woodlesford, LS26**

Prior to consideration of this matter, Councillor Finnigan left the meeting

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

Officers presented the report which sought permission for ancillary accommodation to the front of 3 Quarry Road LS26 which was situated in the Woodlesford Conservation Area

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Members were informed that the proposal was to demolish the existing flat roof garage and replace this with a single storey building to provide a bedroom and bathroom at upper floor level and a double garage at ground floor level. The design of the accommodation was considered to be better than the existing building and did have some regard to the existing property

Whilst there was a long planning history on the site for a detached dwelling, the current proposal sought a reduced level of accommodation and was now encompassed within the garden of the host property

To address flooding issues, the finished floor levels had been raised and the use of porous material and provision of a soakaway was considered to be acceptable

In terms of the existing garage this could be converted to residential use without the need for planning permission

The Panel heard representations from Councillor Nagle who was objecting to the application and from the applicant

**RESOLVED** - That the application be granted subject to the conditions in the submitted report; the rewording of condition 10 to specify the layout of the property as shown on the plan and a further condition specifying that the accommodation be for the use solely of occupants of the property

#### **58 Application 12/02014/FU - Installation of one detached turbine to field - Land at Kiddal Quarry Farm, Near Potterton, Leeds 14**

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

Officers presented the report which sought permission for a single wind turbine – hub height 15.4m with maximum blade tip height of 21m at Kiddal Quarry Farm near Potterton which was situated in the Green Belt

A series of graphics were displayed showing the proposed wind turbine from a variety of locations which had been provided by the applicant. Planting would be provided to ensure screening although it was stressed that this was very much a long-term solution

Having considered the application, Officers were of the view that very special circumstances had been demonstrated to outweigh the harm to the Green Belt and recommended approval of the application to Panel

Members commented on the following matters:

- environmental issues relating to wind turbines, both locally and internationally, particular the impact on farm land in China through mineral extraction for the batteries needed to power these structures
- the payment of subsidies for the electricity generated from wind turbines and that this issue should be looked at in greater detail
- the location of the turbine in the site and whether alternative locations had been considered. Members were informed that this was the location chosen by the applicant and that no other locations had been considered on what was a relatively small land holding
- the size of the turbine which was considered to be large for one dwelling. On this matter the Principal Minerals Planner advised that there was no requirement to demonstrate need

The Panel considered how to proceed

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**RESOLVED** - That the application be deferred and delegated to the Chief Planning Officer for approval, subject to further discussions about the siting of the wind-turbine, including with Ward Members and that in the event this could not be resited, to determine the application as set out in the submitted report

**59 Application 12/02300/FU - Removal of condition 6 of previous approval 31/204/97/FU and alterations to garage to form habitable room; two storey and first floor side extension and attached garage to side - 3 Freely Fields, Bramham, Wetherby**

Further to minute 60 of the Plans Panel East meeting held on 11<sup>th</sup> August 2011, where Panel resolved to refuse a similar application on the site, the Panel considered a revised report

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and provided a brief planning history of the site which was located in the Bramham Conservation Area. Appended to the report for Members' information was a copy of the appeal decision following Panel's refusal of the previous scheme. In the scheme before Members, the applicant had sought to address the Inspector's concerns about the location of the garage which was now proposed at the side of the dwelling rather than at the head of the cul-de-sac

Receipt of a further letter of representation was reported

Members heard representations from an objector and the applicant. At Members' request, the Panel's legal adviser was asked to outline the Council's position on recording public meetings

The Panel considered the application and commented on the following matters:

- the removal of the existing, reasonably substantial vegetation to accommodate the proposals
- that the proposals were overdevelopment and would have a detrimental impact on the character of the cul-de-sac
- that the proposals would have a detrimental impact on residential amenity
- concerns that there was a history to the site and that some Members had not been on Panel when the scheme had previously been discussed and therefore had not had the benefit of a site visit

A proposal to refuse the application was made, seconded and voted upon

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

Under Council Procedure Rule 16.5, Councillor A McKenna required it to be recorded that she abstained from voting on the matter

**60 Application 12/02838/FU - Variation of condition 1 (approved plans) of approval 11/00343/RM (Three detached houses to garden) for minor material amendment relating to replacement of triple garage to plot 3 with attached two storey pool/gym and double garage - Little Acres, Linton Lane, Linton, Wetherby**

Prior to consideration of this matter, Councillor R Grahame left the meeting

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Plans, including plans of previous approvals together with photographs and drawings were displayed at the meeting

Officers presented the report which sought a further amendment to a previously approved scheme at Little Acres, Linton Road LS22

Members were informed that the applicant had submitted an explanation as to why further changes had come forward since the Reserved Matters approval which related to the requirements of a prospective purchaser in the current harsh economic climate

The proposals were to reduce the triple garage to a double garage to accommodate a gym and swimming pool and construct a two storey linked extension from the garage to the house

No objections to the proposals had been received from neighbours; the separation distances were above those set out in 'Neighbourhoods for Living' and the application was compliant in policy terms

In seeking to fully understand the application, a request for a plan showing the whole house was made. The absence of this and of Members having to rely on drawings showing the developments but in different scales was discussed

**RESOLVED** - That determination of the application be deferred to the next meeting to enable a plan to be produced showing the proposals in relation to the whole house and the plot, and that a site visit be arranged to enable Members to see plotted out on the site, the proposed extension and the alterations which have been made to the scheme since the Reserved Matters approval was granted

**61 Date and time of next meeting**

Thursday 4<sup>th</sup> October 2012 at 1.30pm in the Civic Hall, Leeds