

SOUTH AND WEST PLANS PANEL

THURSDAY, 23RD JULY, 2020

PRESENT: Councillor C Gruen in the Chair

Councillors K Brooks, C Campbell,
S Hamilton, J Heselwood, D Ragan,
J Shemilt, P Wray and R. Stephenson

10 Appeals Against Refusal of Inspection of Documents

There were no appeals.

11 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

12 Late Items

There were no late items.

13 Declarations of Disclosable Pecuniary Interests

There were no declarations.

Councillor Campbell advised the Panel that he had previously objected to Agenda Item 9, Application 19/06632/FU – Land at CT Cars Garage adjacent to Highfield Stables, Carlton Lane, Guiseley, LS20 9PE and would be taking no part in the discussion or voting on this application.

14 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Barry Anderson. Councillor Ryan Stephenson was in attendance as substitute.

15 Minutes- 4 June 2020

RESOLVED – That the minutes of the meeting held on 4 June 2020 be confirmed as a correct record.

16 Application 18/04343/RM - LAND TO THE EAST OF OTLEY ROAD, ADEL, LEEDS, LS16 8FE

The report of the Chief Planning Officer presented a reserved matters application for a residential development at Church Lane, Adel.

The application had been considered at the previous meeting of the Panel when it had been deferred to return for consideration focusing on the following matters, on which the applicant had been requested by Panel to provide further consideration of and / or information on:

- A bespoke gate way type house. That more reflects other older existing properties along the road.
- Further detailing to the proposed properties and clearer detail to be shown on revised CGI's
- Prove that regardless of the mix of sustainability/energy efficiency methods all properties achieve the same overall standard.
- Roofscape needs more detailing principally by employing chimneys particularly at key focal points.
- 4 Bed affordable homes need to be provided to ensure policy compliance.

There had also been a position statement on the application presented at the Panel meeting in September 2019 when Members had undertaken a site visit.

Site plans and photographs were displayed and referred to throughout the presentation and discussion of the application.

Members were informed of a late submission made with regard to trees on the site. The submission requested that further consideration be given to the matter of trees as there was a group of trees to be removed which had not been proposed for removal at the outline stage. Further explanation was given by the lead Planning Officer as to the status and category of the trees to be removed in response to the submission, but with the Chair reminding Members that the matter had returned to Panel for consideration to be given to the five matters noted.

Further information highlighted in relation to the application by the case Planning Officer included the following:

- The layout of the scheme had not changed. Land would still be reserved for the school and the pumping station would be sited at the northern boundary.
- Images of the surrounding areas in Adel were displayed showing the different kinds of materials and features used in house design. The site would have four separate character areas with materials and design that reflected the surrounding areas. There would be areas that contained houses of red brick and render, an area with mixed brick and render and an area with reconstituted stone.
- Details of the proposed property at the entrance to the site – this had been changed to red brick with render to match the nearby properties on Otley Road.
- Images were shown to demonstrate the changes and improvements to the proposed streetscene since the initial application.
- Policies EN1 and EN2 were not attached to the outline application and did not have to be complied with. The proposals however did comply

with these policies and went beyond the requirement. The proposals in relation to EN1 would see a 23% reduction in carbon dioxide and this would be achieved by the addition of solar panels to 35 plots. The requirement for low carbon energy in the development of the site would be 10.3% which was slightly above the requirement of 10%. In terms of EN2 there would usage of water of 97 litres per person per day which was below the requirement of 110 litres per day.

- There was no policy requirement for the affordable housing element to provide 4 bedroom houses.
- Following the publication of the Agenda, there had been further objections from Local Ward Councillors and the Adel Neighbourhood Forum. These included the following:
 - The house at the entrance to the site was too close to the road and not fitting within the area.
 - It had been requested for all properties to have energy efficiency measures.
 - It was not compliant with affordable housing policy.
 - Felling of high quality trees.
 - Too many houses and small gardens.
 - The design of the properties were not in line with the character of the wider area.
- There had also been a further 17 letters of objection.
- Concern from objectors that the report had been published before the deadline for comments. Due to this it had been felt appropriate to allow objectors to make their representations to the Panel.

A representative of the Adel Neighbourhood Forum addressed the Panel. The following was highlighted:

- Residents had not had their rights to comment on the proposals before consideration by Panel.
- Some trees should not be removed. If houses could not be built due to root protection then the layout should have been redesigned.
- An arboriculture report submitted on the Forum's behalf had not been uploaded to the public portal.
- The house images shown of local houses to compare were not anywhere near the site. Surrounding, existing houses gave no precedent for the architecture adopted on site.
- The property to the entrance should be either removed or moved further back and be made from natural stone.
- The revised designs of properties were not felt to be of a reasonable quality, with the inclusion of 'plastic' and non-functioning chimneys particularly noted.

A local Ward Councillor addressed the Panel. The following was highlighted:

- Officers have a duty to ensure that a well-designed development is brought forward on this site.

- Climate change – 64 of the proposed properties did not have any climate change benefits. When a climate emergency has been declared, more than a small number of proposed properties should have these benefits.
- There is a need for 4 bed affordable housing.
- There was still time for additional comments and a decision should not be made today.
- There still needed to be further meetings with local Councillors and residents to deliver the best scheme for the site, although there was an acceptance that a development of some form did need to come forward on the site.

In response to questions to the speakers, the following was discussed:

- Further concern regarding the removal of trees that had not been scheduled for removal at the time of the outline application.
- The Adel Neighbourhood Forum would be against any decision being delegated to officers. There were a number of issues still to be resolved.
- No specification as to which properties would benefit from solar panels and that the affordable housing should receive solar panels. More information was needed generally regarding what properties would receive what measures to aid energy efficiency.
- The area suffered from excess water flow and the removal of trees would make this situation worse. Replacement trees needed to be of a greater maturity.
- In relation to the gateway property, there were houses on the opposite side of the road. These were made from different materials and were set further back from the road, so the proposed gateway property was very much at odds with the surrounding houses.

The applicant's representative addressed the Panel. The following was highlighted:

- The gatehouse had been redesigned.
- The applicant had listened to the previous concerns regarding design and had responded to these and kept within the character of the wider area, with all the surrounding character areas have been reviewed and reflected in the designs.
- There had been changes to the roofscape with the introduction of chimneys and other design features to properties.
- There was no policy requirement on this application for energy sustainability but the applicant had met new policy requirements and would be happy for a condition relating to this.
- Solar panels would be spread across the private and affordable housing and positioned on the properties that would benefit the most from having solar panels.

- Provision of 4 bedroom affordable housing – there was no requirement to provide this and the applicant had increased the number of 3 bedroom properties following previous concern.
- Further to questions, the following was discussed:
 - Policy did not relate to solar panels but to energy requirements across the site.
 - Following discussion with the affordable housing provider it was reported that it was challenging to deliver 4 bedroom houses due to issues that included rents and costs if there was a shared ownership.
 - All properties met building regulation requirements, as well as requirements under Policy EN1 and Policy EN2 (in fact going beyond these). Other than solar panels there were other energy efficiencies in the way the properties were constructed.
 - There had been public consultation prior to the reserved matters application and meetings with officers and local Ward Councillors. Criticisms of a lack of consultation or discussion were therefore unfounded
 - There had been significant changes to design and it was felt the applicant had amended the plans as far as possible.
 - It was not known at this stage whether solar panels would be offered for sale on properties as on that did not have them.
 - The gatehouse would be used as a show house due to its position and as a feature would bring attention to the new housing.

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

- There had been public consultation events and numerous meetings with Adel Neighbourhood Forum and local Ward Councillors since the first application was made. There had been opportunity for everyone to comment on the application.
- Regarding concerns over emergency access, it was reported that the purpose of this was in case of the main access point being blocked and to segregate the site to prevent through traffic.
- Concern that the arboricultural report provided by the Adel Neighbourhood Forum was not published on the public access forum. The report had inadvertently not been published due to the short lead-in time, but the Forum had been given the opportunity to provide comments and information by way of a summary for Members on the points raised therein. Further, site arboriculture was not a matter which Members were minded to address at this Panel meeting.
- The Site Allocation Plan had indicated that the site was suitable for up to 104 dwellings. It was a draft Site Allocation Plan that indicated an allocation of 85 dwellings and this scheme proposed 99 dwellings.
- The developer had been asked to consider providing 4 bedroom affordable housing. However, it was reinforced that there was no policy requirement or condition on the outline permission requiring pro rata affordable housing provision. Steps had been made by the developer

- to provide as much affordable housing as possible under feasibility / viability constraints.
- It was acknowledged that the developer had addressed some of the concerns with regards to layout and design improvements. The proposals also exceeded policy requirements for energy efficiency even though it did not apply to this application.
 - Solar panels should have been made available for all of the affordable housing.
 - The gatehouse should be moved further back, but it was acknowledged that the presence of the gatehouse was important as a ‘marker’ of the development and to provide natural surveillance to the site overall.
 - Concern that the application had been brought back to Panel too early due to the deadlines for comments and further submissions that had been received. Clarification was provided by the case Planning Officer on the dates and deadlines applying to the application.
 - This is an allocated housing site with an already outline planning permission which constrains what can be asked of / required from the development. Within the context of the longevity of the application’s ‘lifetime’ and ongoing discussions on all matters, the developer had moved a long way towards improving the scheme and taking Members’ points and requests into account.
 - Despite the continuing local opposite and concerns, the application is policy compliant. Further delay would not aid or alter Members’ position at this point.

RESOLVED – That the application be deferred and delegated to officers following expiry of current consultation subject to the specified conditions:

1. Reserve matters approval
2. Development in line with approved plans
3. Electric vehicle charging points to be provided on every property and retained
4. Climate change measures including location of solar panels to be submitted and approved
5. Finished floor levels to be submitted and approved
6. Details of materials for proposed attenuation tank to be submitted, approved and installation in accordance with the same

17 Application number 19/06632/FU – CT Cars Garage adjacent Highfield Stables, Carlton Lane, Guiseley, LS20 9PE

The report of the Chief Planning Officer presented an application for the demolition of a car storage facility and construction of a dwelling at CT Cars Garage adjacent to Highfield Stables, Carlton Lane, Guiseley, LS20 9PE.

Site plans and photographs were displayed and referred to throughout the presentation and discussion of the application.

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

- The application was subject to an appeal for non-determination.
- The application had been referred to Panel at the request of a local Ward Councillor due to detrimental impact on the greenbelt.
- Current buildings on the site were used as car storage and an office.
- The proposed property would have a smaller footprint than the existing buildings. It would be higher than the existing buildings but not significantly. There would be an area for parking to the front.
- This was a brownfield site within the greenbelt. In-fill development was permitted provided there was no further impact caused than there was by the existing development.
- The addition of a dwelling would not be non-compliant with regards to sustainability.
- Members were asked whether they would have granted permission for this application.

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

- Access to public transport – the nearest bus stop was nearly 2 kilometres away which was further away than guidance contained within the Core Strategy. The distance to the nearest train station was also further than the guidance contained within the Core Strategy.
- The site had a lawful use for commercial buildings, but this was now an application for a residential building that was proposed. Comment on the previous lawful use was not appropriate, as each planning application must be considered in its own right.
- Advice would be taken as to whether the cess pit would be adequate for a family dwelling.
- The loss of an employment site was not a concern as it was not considered to be employment intensive.
- There would be a decrease in the volume of the buildings on the site. There would also be improvements with the loss of hard standing areas.
- Members considered the proposals to be an improvement on the existing development.

Members were reminded that an appeal against non-determination of the application was to be held. Members were therefore not in a position to (and not being asked to) approve the application but to give an indication as to whether they would have approved it if the application had come before them. If Members indicated that they would have granted permission for the application, the Council would not then defend the appeal and would invite the applicant to consider resubmitting in future if they wished to do so.

A motion was made to move the officer recommendation detailed in the report, this was subsequently and seconded and it was:

RESOLVED – That Members would have been minded to approve the application, if it had been before them for determination, subject to the conditions outlined in the report.

It was further queried that should the applicant withdraw the appeal could the decision be delegated to the Chief Planning Officer for approval.

Following advice from the legal adviser, a motion was made that should the application be re-submitted in its current form then it should be delegated to the Chief Planning Officer for approval. There would also be consultation with local Ward Councillors. This motion was seconded and it was then voted upon by Members such that it was:

RESOLVED – That should the appeal be withdrawn and re-submitted in its current form, the application to be deferred and delegated to the Chief Planning Officer for approval and subject to the conditions outlined in the report.

18 Date and Time of Next Meeting

Thursday, 27 August 2020 at 1.30 p.m.