

## **Plans Panel (East)**

**Thursday, 12th July, 2012**

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

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

### **24 Chairs Opening Remarks**

The Chair welcomed all present to the meeting and short introductions were made for the benefit of the public in attendance. Councillor Congreve also made reference to the parade by the 1<sup>st</sup> Battalion of the Yorkshire Regiment parade scheduled to commence at 2:15 pm from the Civic Hall and his intention to adjourn the meeting at that point to allow Councillors and members of the public to witness the parade.

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

For the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 – 18 of the Members Code of Conduct, the following disclosable pecuniary interest was declared at the meeting:-

Councillor E Taylor – pre application presentation relating to development proposals for land to the rear of Seacroft Hospital as an employee of Leeds Teaching Hospitals Trust at Seacroft Hospital (minute 36 refers)

Additionally, in accordance with paragraphs 19-20 of the Members Code of Conduct, the following declarations were made by Members who felt it was in the public interest to do so:

Councillor J Procter – Application 12/00680/OT Shayfield Lane, Carlton declared that the applicants' agent was known to him (minute 28 refers)

### **26 Apologies for Absence**

Apologies for absence were received from Councillor A McKenna. The Chair welcomed Councillor Towler as her substitute

### **27 Minutes**

**RESOLVED** – That the minutes of the following meetings be approved as a correct record:

- a) 31<sup>st</sup> May 2012
- b) 7<sup>th</sup> June 2012

### **28 Application 12/00680/OT - Land at Shayfield Lane Carlton LS26**

The Panel considered the report of the Chief Planning Officer on an outline planning application for a residential development on land at Shayfield Lane, Carlton. Plans and photographs of the site, including illustrative layout plans and details of the proposed highways access were displayed at the meeting. Members had visited the site prior to the meeting

The key issues for consideration were highlighted as being the principle of the development, access; scale; sustainability of the development and the contribution the scheme made to the setting and character of the area. It was noted that this was a small site, unallocated in the UDP. Officers also outlined the issues proposed to be addressed through Section 106 contributions which would be evaluated and discussed with local ward councillors through the defer and delegated process. A further condition was also required to secure submission of the details of levels, having regard to the drop in levels along Queens Drive.

Members heard representations made by local ward Councillor K Bruce on behalf of local residents who raised their concerns regarding the sustainability of the development in terms of local services, highways concerns and flooding. She also referred to the emerging Carlton Neighbourhood Planning Committee. Mr J Scannell, for the applicant was in attendance but chose not to make a representation in response.

Members discussed the following:

- Incidences of flooding raised by the objectors and the measures to manage site drainage proposed by the Flood Risk Management team
  - Planning history of the site and the impact of National Policy changes since a previous scheme for 18 residential units had been refused in 2000
  - Local education provision
  - Whether the offered metrocard scheme would provide sustainable transport
  - The relevance and weight to be attributed to the Core Strategy in the determination of the application
  - The relationship of this scheme to the National Planning Policy Framework which urged delivery of sustainable schemes
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- Members considered the merits of the scheme noting the reservations about transport and education provision and the dissatisfaction expressed that Phase 1 sites previously identified in the locality remained undeveloped, however the Panel noted that this site was enclosed and well screened from the village and that there were no planning reason to refuse the proposal  
**RESOLVED** - That determination of the application be deferred and final approval be delegated to the Chief Planning Officer, subject to the specified conditions and an additional condition to ensure details of levels are submitted, and following the completion of a Section 106 Agreement to cover the following matters:
    - A total contribution of £67,000 to be used for the following purposes:
    - Education Contribution
    - Greenspace Contribution £39,972.22 – or as otherwise agreed.
    - Residential Metrocard Scheme £6,454.80 – or as otherwise agreed.
    - Provision of New Footpath to Play Area – or as otherwise agreed.

With the proviso that Ward Members are to be consulted on use of the monies.

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.

**29 Application 11/05212/FU - Former Netto Food Store York Road LS14**

Further to minute 19 of the meeting held 7<sup>th</sup> June 2012 when Members resolved to defer determination of the application to allow more time for negotiations on the design, scale and siting of the retail unit and concerns over the impact of the proposal on residents to the rear of the site, the Chief Planning Officer submitted a further report on proposals to redevelop existing retail units with associated car parking and landscaping at the site of the former Netto foodstore, York Road, Leeds 14. Plans and photographs of the site were displayed at the meeting along with plans of the earlier scheme for reference.

Officers reported the units would be re-sited to ensure there was a minimum separation of 11m rising to 17m separation between the unit and the residences adjacent to the site. The roof design had been amended (from inverted to monolith) with the lowest point being near to the residents to minimise impact, the main entrance had been reconfigured and a glazed feature had been introduced to the elevation facing Barwick Road

**RESOLVED** – That determination of the application be deferred and final approval be delegated to the Chief Planning Officer subject to the following conditions and the signing of a S106 agreement covering:

- bus stop upgrade contribution (£10,000)
- tactile paving works contribution (£3,500)

In the circumstances where the S106 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.

(The meeting was adjourned for a short time at this point)

**30 Application 12/00514/FU - Morrisons Supermarket Windsor Court Morley LS27**

Further to minute 20 of the meeting held 7<sup>th</sup> June 2012 when Panel deferred determination of the matter to allow time for negotiations over the removal of the external Dutch trolleys, the appearance of the trolley enclosure and additional highways issues, the Chief Planning Officer submitted a report on the proposed alterations to the existing trolley bay area to form a garden sales area at Morrison's Supermarket, Windsor Court, Morley.

Officers reported that the applicants had agreed to no external storage of items of goods for sale and to paint the structure of the trolley enclosure. A forecourt/trolley management plan would need to be submitted to deal with the highways issues. Officers therefore requested that the application be deferred and delegated to deal with that in conjunction with ward councillors

**RESOLVED** – That determination of the application be deferred and final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report and submission of a forecourt/ trolley storage management plan and in consultation with Ward Members

**31 Application 12/00013/FU - Mercure Hotel Leeds Road, Wetherby**

Further to minute of 192 of the meeting held 22 March 2012 when Members considered a position statement regarding proposals to redevelop the former

Mercure Hotel, the Chief Planning Officer submitted a further report on proposals to erect a Sainsbury's foodstore with associated access, car parking, servicing and landscaping at the site on Leeds Road, Wetherby.

Plans, site layout plans, aerial photographs and computer generated graphics showing the proposal in situ on the streetscene were displayed at the meeting.

Officers reported receipt of 3 further letters of objection from local residents which raised no new issues and the comments of the Environment Agency who stated no objection to the scheme. 14 letters of support for the scheme had also been received.

Officers highlighted the current retail offer in Wetherby Town Centre and the location of this site at the gateway to the town and outlined the following matters:

- Development would provide 2347 sqm of retail space within the 5189 floorspace with 254 car parking spaces with 13 of those for residents located to the east of the site
- use split as follows: 92% convenience and 8% non-food
- Opening hours reported as 7am – 11pm Monday to Saturday and 10 am - 4pm on Sunday
- A new pedestrian link from the north eastern corner of the site to Wetherby could be provided
- Significant trees retained to the boundary and provision of 1.5 m high stone boundary wall
- Levels change across the site afforded allowed the service area to be set down in the site

Members were directed to consider the following key issues:

Retail use of the site. The site had been previously earmarked for retail use, but this was before the co-op store in the town centre had been redeveloped as a Morrison's supermarket and prior to the Micklethwaites residential development which lies adjacent to this site.

The applicant had submitted a retail assessment which concluded that there were no sites within the town centre which could accommodate a retail development of this scale. Officers concluded that this retail development would have an overall impact of 26% on the retail offer in the town centre (35% impact on the existing Morrison's store, 04% impact on comparison goods)

Highways. The applicant had offered a shuttle bus to improve accessibility. An assessment of the proposals showed that the location of the access point was deemed acceptable with no adverse impact on the existing highways network. Suitable signage was included within the scheme. The car parking was considered adequate, and although the proposed pedestrian link needed further work to identify a better route and the travel Plan required amendment, there were no highways grounds on which to refuse the application.

Design. The three gabled elevation was considered acceptable, but there were concerns over the location of the store within the site and the visibility of the store and hard standing to facilitate the car park from the main road. This

could require further screening. The boundary wall was felt to be acceptable. The retained trees would soften the appearance of the development. It was noted that the applicant had cited the grass verge to the main road as being within the setting of the development, however the verge was LLC owned and therefore not to be relied upon to mitigate the appearance of the scheme. Impact on nearby residences – It was noted that the scheme was 19.5 m from the boundary of the nearest residence and that the building would be 6.3 high at the point nearest to residents. A car park already existed in this location, and further screening was proposed. Additionally drainage and flood risk measures were considered acceptable.

Additional comments regarding the impact the scheme would have on views into and through the Wetherby Conservation Area were also noted. Officers also highlighted the contents of the proposed Section 106 Agreement and commented that the amount offered for public transport would not sustain the proposed shuttle bus, and suggested that the amount suggested for town centre parking should be spent on the bus and highways supported this. Finally, it was reported that Morrison's had recently submitted an application to extend their Wetherby premises, and Tesco also have a store in Boston Spa, both of these facts should be regarded as material planning considerations

In conclusion officers commented on the balance of considerations between the benefit the scheme would bring in terms of improved retail choice and new local employment through the construction phase and beyond; against the impact of the scheme on the town centre and likelihood that some local jobs would be lost once the store was open

The Panel heard from Mr B May, agent for the applicant, who highlighted the highways, design and environmental issues that had been resolved throughout the planning process and addressed the comments made over the perceived impact this development would have on the town centre. Members then heard from Mr B Taylor who expressed concerns regarding the location of the store at the gateway to Wetherby and its likely negative impact the vitality of the town.

Members considered the representations and noted the character of Wetherby town centre with its existing independent traders and retail offer.

**RESOLVED** – That the application be refused for the following reasons:

1. The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan (Review 2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy Leeds Local Development Framework, February 2012.

2. The Local Planning Authority considers that the proposed development would be harmful to the character of the area, including the character and

appearance of the adjacent Wetherby Conservation Area owing to the siting of the building, the prominence and orientation of the service yard, the location and extent of hardsurfacing and car parking and overall absence of mature landscaping along a prominent street frontage. The proposal would have a detrimental impact upon a key gateway into this market town and would fail to take the opportunities to improve the character and quality of the area and the way it functions. The proposal is considered to be contrary to Policies GP5, N12, N13 and N19 of the Unitary Development Plan (Review 2006), the guidance contained within the Wetherby Conservation Area Appraisal and the guidance contained within the National Planning Policy Framework.

**32 Application 12/00746/FU - 2 New Farmers Hill Woodlesford LS26**

The Panel considered the report of the Chief Planning Officer on proposals for a detached dwelling on land adjacent to 2 New Farmers Hill, Woodlesford. Site plans, aerial photographs and computer generated images showing the proposals in the streetscene were displayed for reference. Members had visited the site prior to the meeting.

Officers outlined the report which highlighted the planning history of the site and two earlier schemes which had been refused, noting that the applicant had addressed the reasons for refusal in this application. The following matters were also highlighted

- the groundworks necessary to create access to the site
- the house design intended to reflect the style of existing dwellings in the locality
- the new dwelling was recessed into the site with views over the gardens of No and No 4, rather than overlooking the houses
- the site was tucked away in a corner so would have minimal impact and the proposal sat well in relation to the spatial setting/character of the area however it was appreciated that this was a finely balanced application

The Panel heard from local ward Councillor Nagle on behalf of objectors who expressed concern over the detrimental impact this dwelling would have in terms of loss of garden, trees and soft landscaping and characterised the locality as being a non-heritage asset. Members then heard from Mr S Nixon, the applicant, who maintained the new build would relate to the character of the area, being of a similar design and setting to those houses already on New Farmers Hill

(Councillor Latty left the meeting at this point)

Members commented on the following:

- the fact that the report did not describe this as a “garden grabbing” development
- highways safety and whether the junction was substandard and could accommodate additional traffic
- whether the access to the site and the driveway appeared contrived
- the substantial works required to create levels and shore up the land away from the adjacent property

- whether this application satisfactorily addressed the reasons for refusal stated in 2010
- impact on the trees and on existing residents
- the size of the plot which some felt could accommodate a development of this scale
- the fact that the site was well screened and the development made use of the levels for screening

Members noted the officer recommendation to approve the application and following a vote where the Chair made a casting vote,

**RESOLVED** – That the application be granted subject to the specified conditions contained within the report

### **33 Application 12/01666/FU - Victoria Court Wetherby LS22**

The Chief Planning Officer submitted a report on proposals to erect a Pergola and railings in order to provide an external seating area to the front of the Bengal Brasserie restaurant, 2 Victoria Court, Wetherby. Plans and photographs of the site were displayed at the meeting. The Panel had undertaken a site visit in February 2012 when a previous application had been considered.

Officers highlighted the opening hours and restriction on the use of the proposed pergola to ensure its use ceased at 22:00 hours. Members commented on the use of the external area and its proximity of residents in flats above Victoria court and likely impact of noise nuisance to them, although it was noted that no residents had made representation and a covered structure could actually reduce noise nuisance. The Panel also considered whether a temporary permission would be appropriate given that the pergola would be a permanent structure

**RESOLVED** – To defer determination to allow time for further negotiations, to involve local ward Councillors, on the following:

- a) Measures to minimise noise
- b) Consideration of a temporary permission
- c) Use of the pergola by smokers

### **34 Application 11/04988/FU - Land at Daisy Hill Morley LS27 - Position Statement**

The Chief Planning Officer presented a position statement on the development proposals for land at Daisy Hill, Morley and seeking Members' feedback on the questions posed in the report and on any other aspect of the proposals. The report also referenced comments received during the public consultation. Plans, site plans, photographs and slides showing views to and across the site were displayed at the meeting which also showed the drop in levels from north to south across the site.

Officers reported a correction to the report stating that the footpath/cycle path would be 3m wide. Additionally, comments from METRO and the Coal Authority had now been received. Officers outlined the main aspects of the scheme which included the proposed site access off Daisy Hill, opposite existing bungalows. Slides were displayed showing the proposed 2 storey

house styles using red or buff brick construction with artificial stone heads and sills. A revised drainage scheme had been submitted which proposed drainage into the open water course to the east along with a landscaping plan, with dwellings on Daisy Hill set back to soften the appearance of the development.

Members had visited the site prior to the meeting and noted this was a Phase 2 housing allocation site on a Greenfield site. The Panel discussed the following key issues of the scheme:

- Highway safety issues, site access and egress noting the traffic flow and congestion in local streets; the sustainability of the site and useful local transport links
- Design, materials and layout of the development in relation to the setting and context of the development site. There were concerns regarding the design and materials proposed which were felt to be off the shelf and did not relate to the individuality of the style of Morley. Members were keen to ensure quality of design and materials in this scheme. There were also concerns over the density of the scheme, the layout of the site and the proximity of residential units to the cliff edge and boundary of the railway line.
- The impact of the development on the amenities of nearby residents. Members commented that S106 monies for school places was not sustainable, noting the proposal for 92 houses and likely impact on local schools which were known to be full. The Chief Planning Officer reported that the developer had confirmed the full contribution would be made pending the outcome of a response from LCC Children's Services regarding education provision
- The level of amenity provision on site for prospective residents
- Inadequate level of landscaping, particularly that shown to the Daisy Hill where the gardens appeared open to the street. Members felt the whole landscaping scheme required revisiting
- The rationale behind the location of the public space, given the sheer drop from the edge of the site to Morley railway station below and the safety measures required at the site edge noting that the applicant will need to discuss site security with Network rail
- Geology and stability of the site
- The approach to drainage and flooding issues. The Panel noted comments relating to local knowledge on the over reliance on the existing Victorian era drainage system that residents currently felt was inadequate and recent flooding on and around the site, at Morley Bottom and Victoria Primary. Members noted a request to see the flood risk management strategy
- The approach to environmental issues
- The contents of the Section 106 agreement
- Concerns regarding public health relating to the heavy industrial uses nearby

**RESOLVED** – That the contents of the position statement and the comments made by Panel be noted.

### **35 Application 10/00225/OUT - Newmarket Lane Wakefield - Summary of the Secretary of State's decision**



The Chief Planning Officer submitted a report providing a summary of the decision taken by the Secretary of State in relation to the application submitted by Wakefield MDC for a mixed use development, including a 12,000 seat community stadium, at Newmarket Lane, which lies on the Wakefield /Leeds boundary. It was reported that the Section 106 Agreement had not yet been submitted by the applicant

**RESOLVED** - That the contents of the report and the comments made by Panel be noted

Councillor E Taylor, having earlier declared a disclosable pecuniary interest withdrew from the meeting and took no part in the discussions

### **36 Pre-application presentation - Rear of Seacroft Hospital York Road LS14**

The Chief Planning Officer submitted a report setting out pre-application proposals for the laying out of access and erection of circa 600 houses on the land to the rear of Seacroft Hospital, York Road, Leeds.

It was noted that no formal decision on the development was required at this point; however the presentation afforded Panel Members the opportunity to ask questions, raise issues, seek clarification and comment on the proposals at this stage.

Plans, indicative site layout plans and photographs of the area were displayed at the meeting. Officers highlighted that local ward Councillors had consistently sought a holistic approach to the development of the whole site – including the Seacroft Hospital buildings which were currently still in use by the NHS Trust. It was noted that the local ward Councillors had met recently with the developers and expressed concern regarding highways issues and the overall approach to the scheme now before Panel.

The Panel received a presentation on the proposals from Ms D Jones of the Homes and Community Agency (HCA), Richard Vickers and Mr S Spencer of Arup outlining the scheme in terms of:

- The existing relationship of LCC with HCA in delivering homes in Leeds
- The intention of the HCA to undertake a city wide review of housing for older people
- The intention to use capital receipts from this development in the locality and to link to local employment
- The proposal made use of two existing access points on to the York Road (A64) and rearrangement of the traffic signalling on York Road would mitigate against any increase in traffic. A peak flow traffic model of the A64 was shown
- The public consultation undertaken and involvement with local ward councillors, businesses and residents
- The proposal to adopt a soakaway system as the site was at the top of the hill, and create swales to capture excess water which would be discharged in a controlled way into Wykebeck. The developers acknowledged that Wykebeck had experienced flooding and were working with the Environment Agency and Local Planning Authority to reduce flooding risk further down the hill

- The intention to retain as many trees on site as possible, noting that none were protected by Tree Preservation Orders
- The intention to create good quality streets with 2/3 storey homes in parcels of land defined by the routes through the site, with child friendly spaces. Architects drawings showing proposed house types and computer generated graphics were displayed for comment

The content of a letter of representation from local ward Councillor M Lyons sent to all Panel members was read out at the meeting and the Panel went on to make the following comments:

- Local knowledge regarding the flooding and debris caused by flooding in the adjacent Dunhill's area, and the existing drainage system. A suggestion that swales should also be introduced in the Dunhill's estate to alleviate flooding was noted. Members also noted the response that no flooding had been recorded recently, and that this scheme could not alleviate problems currently experienced
- Details on the capacity of the swales were sought as local residents would need assurance that the scheme would not impact on existing homes. Developer proposed to utilise existing swales on site and three 25 x 1m ponds to the southern boundary. The site included significant green corridor abutting the railway line which would accommodate the ponds
- Preference for the whole site to be developed. The response that the Trust was undertaking an overview of the building stock, but that the buildings had not yet been declared surplus to requirement

(Councillor Macniven left the meeting at this point)

- Concern over the house styles shown which did not propose a mix of house styles, contrary to LCC policy
- Noted the level of Affordable Housing provision was at 15% - the current interim level – and commented that the HCA would have discretion offer more on site rather than offer a commuted sum for off-site Affordable Housing through a Section 106 Agreement
- Concern regarding the density of the development of 600 homes on the site bearing in mind the NHS buildings would still be in use and sustainability in terms of viable highways use and train network.
- Highways and access concerns, particularly onto York Road which appeared to be a piecemeal approach
- Noted the housing needs assessment to be undertaken and the local requests for bungalows and sheltered homes
- Concerns regarding arrangements for provision of education
- The proposals for the Green corridor appeared acceptable as presented at this stage

In conclusion, Members urged creation of the masterplan to inform the development as soon as possible as they felt that this presentation was premature – and that matters such as the highways and drainage issues would improve if the masterplan for the whole site was completed

**RESOLVED** – To note the contents of the presentation and the comments made by Panel

(Councillors Finnigan and J Procter left the meeting at this point)

**37 Pre-application presentation - Leeds Station to Knostrop Weir**

The Chief Planning Officer submitted a report setting out pre-application proposals for the Leeds (River Aire) Flood Alleviation Scheme (FAS), Leeds Station to Knostrop Weir.

It was noted that no formal decision on the development was required at this point in the application process; however the presentation afforded the Panel the opportunity to ask questions, raise issues, seek clarification and comment on the proposals at this stage.

The Panel heard from Mr N Foster, Arups and Mr A Wheeler, LCC Highways and Transportation, who introduced the scheme proposing 1:75 year flood defences. An earlier scheme had been revised following the 2011 DEFRA decision not to fund the 1:200 year scheme proposed by the Authority. It was noted a 1:75 year scheme would meet the requirements of insurers and would protect approximately 3000 properties.

The proposals included the removal of the Grade 2 listed weir at Crown Point and replacement with movable weirs. Public consultation had been undertaken with local residents and at the Leeds Waterside Festival.

Architects drawings showing examples of suitable flood defences in situ and photographs of the weirs proposed for Crown Point and photographs of the type of weir proposed for Crown Point were displayed for reference

**RESOLVED** – To note the contents of the report and the comments made by Members

**38 Date and time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 9 August 2012 at 1.30 pm