

NORTH AND EAST PLANS PANEL

THURSDAY, 30TH JANUARY, 2025

PRESENT: Councillor J Akhtar in the Chair

Councillors M Millar, N Lloyd,
R. Stephenson, H Bithell, E Bromley,
A Rae, S Seary and J Heselwood

SITE VISITS

Councillors Akhtar, Lloyd and Seary attended the site visit prior to the meeting.

21 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

22 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

23 Late Items

There were no late items.

24 Declaration of Interests

No declarations of interests were made at the meeting.

25 Apologies for Absence

Apologies for absence were received on behalf of Cllr Jenkins. Cllr Heselwood attended the meeting as his substitute.

26 Minutes - 21st November 2024

RESOLVED – To approve the minutes of the meeting held on 21st November 2024, as a correct record.

27 24/04193/FU – Retention of two shipping containers for use as a site office and tool shed at Roots Allotments, Selby Road, Garforth, LS25 2AG

The report of the Chief Planning Officer set out an application for the retention of two shipping containers for use as a site office and tool shed at Roots Allotments, Selby Road, Garforth, LS25 2AG. The report recommended that

permission be granted subject to the conditions set out in the submitted report.

The application was brought to Plans Panel at the request of Cllr Dobson a local ward councillor for Garforth and Swillington.

Some Panel Members had attended a site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of the representations received as detailed in the submitted report.

Objectors to the application attended the meeting. A representative from the local community and the local ward councillor Mark Dobson addressed the Panel. Following this, they responded to questions from the Plans Panel, which in summary related to the following:

- The Garforth Neighbourhood Plan had been adopted in 2023. The siting of the containers is not in accordance with the Neighbourhood Plan, this land has always been used for agriculture.
- There was no evidence to show that there was a demand in the area for the number of allotment plots proposed. It was acknowledged that in some areas of the city there was a demand with long waiting lists. The Panel was reminded that the use of land for allotments had no bearing on the application in front of Members. The principle of use of the land in this way was not something the applicant needed to justify based on demand or for any other reason.
- The A63 is a busy feeder road into Garforth and there had been accidents at Ninelands Lane and Charlie Sweeps Corner. However, the installation of traffic lights has now alleviated some of the issues. It was the view that cycling or walking to the allotments would not be advisable along this stretch of road.

Mr Samuel on behalf of Roots Allotments attended the meeting and addressed the Plans Panel. Following this, Mr Samuel provided responses to Members questions, which in summary, related to the following:

- It was the view that there would be between 40 and 50 vehicles trips to the site per week. This equates to less than 1 car visiting the site per hour, based on the intended operating hours.
- Roots has 9 locations across the country and 6 Councils had not asked for planning permission to be sought in relation to the containers of this nature on the respective sites. Therefore, they had not expected to be required to seek permission for this site which was why it was a retrospective application.
- The site office will be used by one part-time staff member, and there was no need for further staff. Only the London site had 2 staff due to its size of 1000 plots.
- 65% of the plots have been taken. Over this percentage occupancy it was noted that often plot owners have more than one plot as they receive a discount if they have more plots. Therefore, full occupancy

does not necessarily equate to greater regularity of trip/usage. It was confirmed that the site at Garforth has 250 plots.

Questions and comments from Members then followed, with officers responding to the questions raised, which included the following:

- Conditions in relation to hours of opening, as it was not thought to be realistic, and the allotment members may wish to hold events such as a bonfire. It was noted that Members could change the conditions if they so wished to.
- Highways review each application on its own merits. This application for the siting of an office and a tool shed was deemed to be low impact. Highways had requested improvements to the access of the site to ensure that it was safe.
- Buildings provision on the site was separate to allotment use. NPPF green belt policy applies and facilitates for allotments meets one of the stated exceptions as long as they preserve openness. Officers consider that the size, siting and design of the proposed structures preserves openness in this case.
- Class A permitted development was not applicable for this size of agricultural unit as it was too small. The siting of an office and tool shed is thereby classed a 'development' which requires permission.
- Concern was raised in relation to this being a retrospective application and the number of retrospective applications received by the Local Planning Authority.

In summing up by the Area Planning Manager he noted the comment in relation to sanctions for retrospective applications but had heard no dissent to the proposals. However, the extension to the hours of opening could be changed if Members so wished.

Upon voting, a motion was put forward to move the officer recommendations, as per the submitted report with Condition 2 varied to allow the site office and tool shed to be open for use between 7am and 10pm. The motion was moved and seconded, and it was;

RESOLVED – That planning permission be granted as per the officer recommendation, including the variation of Condition 2 for the extension to the hours of opening for the site office and the tool shed from 7am until 10pm.

28 24/06041/ADV – Retention of one non-illuminated, freestanding entrance sign at Roots Allotments, Selby Road, Garforth, LS25 2AG

The report of the Chief Planning Officer set out an application seeking planning permission for the retention of one non-illuminated, freestanding entrance sign at Roots Allotments, Selby Road, Garforth, LS25 2AG. The report recommended to the Panel that the matter be approved subject to the conditions set out in the submitted report.

The application was brought to Plans Panel at the request of the local ward councillor Mark Dobson.

Some Panel Members had attended a site visit earlier in the day, prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of the representations received as detailed in the submitted report.

Cllr Dobson attended the meeting in objection to the application and addressed the Panel. Members of the Panel had no questions for Cllr Dobson.

Mr Samuel on behalf of Roots Allotments attended the meeting and addressed the Panel. Members of the Panel had no questions for Mr Samuel.

Questions and comments from the Panel Members then followed, with officers responding to questions raised, which included the following:

- Officers provided advice on the differences between this type of sign and signs loaded onto trailers. It was noted that the Council would seek advertising consent for both types of signs in this instance.
- Members acknowledged that this stretch of the A63 was busy, but the improvements required by Highways to the access of the site would make visibility better.

The Area Planning Manager in summing up was of the view that Members were accepting of the proposal.

Upon voting, a motion was put forward to move the officer recommendations, as per the submitted report. This was moved and seconded, and it was; **RESOLVED** – That advertisement consent be granted as per the officer recommendation, subject to the conditions set out in the report.

Cllr Lloyd left the meeting at 14:40 after this item.

29 PLANNING APPEAL DECISION SUMMARY 23/01507/FU - Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping at Mercure Hotel, Leeds Road, Wetherby.

The report of the Chief Planning Officer advised the Panel as to the outcome of a planning appeal held by Public Inquiry in relation to application 23/01507/FU - Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping, which was considered by the Panel on 19th October 2023.

The application had been refused on six grounds, summarised at Paragraph 3 of the submitted report. The Decision Notice was issued on 26th October 2023.

The decision was appealed by the Applicant (Lidl GB Ltd and Springfield Healthcare Group Ltd) and the Appeal considered under the Public Inquiry procedure. The Inquiry opened on Tuesday 22nd October 2024 and closed on Tuesday 29th October 2024. The Appeal decision following the Inquiry was received 22nd November 2024, with the Appeal being allowed, and planning permission granted in accordance with the approved plans, a schedule of 40 conditions and the provisions of the Section 106 agreement, dated 7th November 2024.

A summary of the main issues and outcomes was set out in the report from Paragraph 7 through to Paragraph 25.

It was acknowledged that the Inspector's decision was particularly disappointing with regards to the delivery of allocated housing sites. In refusing the planning application, both officers and Plans Panel had placed considerable emphasis on the strategic approach to housing delivery through the Development Plan and the importance of protecting this position. It was noted that the Inspector had set out their planning reasons for departing from locally adopted planning policies in their letter which was appended to the report.

It was recognised that there was a need for consistency in decision making, however, Plans Panels should not be bound when looking at other applications as each application has to be determined on its own individual planning merits. It was noted that it was unlikely that Plans Panels would see this set of circumstances on another site in future.

Members were disappointed as they had worked hard to allocate land supply for housing through a long process for the site allocation plan, and it was the view that the Council was now being criticised for having too much land supply. It was noted that the Site Allocation Plan could only be changed through a review process.

RESOLVED - To note the Inspectors decision and the contents of the report.

30 PLANNING APPEAL DECISION SUMMARY 20/08547/FU - Change of use of land for the siting of 8No. glamping units for holiday use, storage building and ancillary works including a new access road at Land Off Hall Park Road, Walton, Wetherby, LS22

The report of the Chief Planning Officer advised the Panel as to the outcome of a planning appeal considered by the Planning Inspectorate and decided upon on 22nd November 2024. A copy of the Planning Inspector's letter was appended to the submitted report.

Planning permission had been granted by Plans Panel on 1st February 2024 subject to a number of conditions as set out in the Officer Report alongside the imposition of an additional condition relating to details of a wildlife and ecological management scheme. Minutes from the Plans Panel meeting in February 2024 reflected the extensive discussion and debate in relation to these matters. Members also noted strong views in relation to the need for robust conditions relating to drainage and made a request to officers to ensure that any future condition discharge application relating to drainage should be brought before Plans Panel Members. Following the grant of planning permission on 8th February 2024, the applicant then appealed against the imposition of 14 conditions attached to the permission to the Planning Inspectorate. The 14 conditions subject to the appeal were set out in the submitted report at Paragraph 7.

The Council had defended the imposition of all 14 conditions arguing that they met the relevant tests for planning conditions as set out in the National Planning Policy Framework, namely that conditions should be (1) necessary, (2) relevant to planning, (3) relevant to the development to be permitted, (4) enforceable, (5) precise, and (6) reasonable in all other respects.

The Plans Panel was advised that the appeal was allowed by the Planning Inspectorate on 22nd November 2024.

The Panel were informed that of the 14 conditions which were the subject of the appeal, the Inspector sought to vary 2 conditions with neither variation having significant implications for the overall decision. These were Condition 15 and Condition 39. The remaining 12 conditions which were the subject of the appeal, were retained by the Inspector in their original form.

It was recognised that the Council had acted reasonably to impose all 14 planning conditions which were considered as part of the appeal (noting that 2 of these were subject to amendments but that this did not materially alter the substance of the conditions or the reasons they were imposed by the Council). Therefore, the appeal decision can be viewed as a positive outcome which endorses the Council's approach.

RESOLVED – To note the outcome of the appeal decision and the contents of the report.

The Plans Panel was advised that another appeal decision had been received in relation a planning application determined at Panel concerning a retrospective application for the use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Kippax. Members were informed that the Inspector had granted planning permission, as it was the view that the needs of the school aged child was of such importance that this outweighed other policies that weighted against the development. The permission was a temporary one for 3 years to ensure the child could finish school. Members noted that a detailed report would be brought to a future Plans Panel.

31 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will be on Thursday 27th February 2025 at 1.30pm.

The meeting concluded at 14:55