

## **Plans Panel (East)**

**Thursday, 7th June, 2012**

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

Councillors C Campbell, M Coulson,  
R Grahame, M Harland, G Latty, T Leadley,  
J Procter, E Taylor, Towler and P Truswell

### **6 Late Items**

### **7 Chair's opening remarks**

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

### **8 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Application 12/00514/FU Morrison's Supermarket Morley – Councillor Leadley declared personal and prejudicial interests as he had commented on the proposals (minute 20 refers)

Application 08/00298/OT – The Former Optare Site Manston Lane LS15 – Councillor Grahame declared a personal interest through his wife, Councillor Pauleen Grahame's involvement with the scheme (minute 22 refers)

### **9 Apologies for Absence**

Apologies for absence were received from:

Councillor McKenna who was substituted for by Councillor Towler

Councillor MacNiven who was substituted for by Councillor Coulson

Councillor Finnigan who was substituted for by Councillor Leadley

### **10 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 17<sup>th</sup> May 2012 be approved

### **11 Application 12/00680/OT - Outline application for proposed residential development of 14 houses - land at Shayfield Lane Carlton WF3**

The Chair informed the Panel that a request for site visit in respect of this application had been made. The request had come from Councillor Bruce who had raised concerns about the impact of the proposals on the character of the area and highway safety

**RESOLVED** - That consideration of the application be deferred to the next meeting to enable a site visit to take place

**12 Application 11/05251/FU - Double garage to side with room over and single storey link extension to main house; first floor extension with portico to front; two dormer windows to front; enlarged area of hardstanding to front - Pine Lodge 18 Bracken Park Scarcroft LS14**

Further to minute 200 of the Plans Panel East meeting held on 19<sup>th</sup> April 2012 where Panel deferred determination of an application for a double garage with room over and extensions including two dormer windows to front and enlarged area of hardstanding to enable further discussions to take place, Members considered a further report

Plans, photographs and drawings were displayed at the meeting

The Chair stated that as the application had been considered previously, new Members would need to consider whether they had all the information on which to reach a decision

Officers presented the report and stated that discussions had taken place and whilst the applicants were willing to remove the dormers from the scheme, they did not wish to amend the design of the garage as had been suggested

A proposal to refuse the application was made and seconded. Following an equality of votes both for and against the proposal, the Chair used his casting vote

**RESOLVED** - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted and report and subject to the removal of the dormers within the proposals. In the event the applicant declined to remove the dormers, to delegate refusal of the application on the basis of the impact on the character of the area

**13 Application 11/04759/FU - New access road and 33 houses with landscaping - Land off Barrowby Lane Garforth LS25**

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

Officers presented the report which sought permission for a new access road and residential development comprising 33 houses on an area of heavily overgrown land which backed on to a railway line on Barrowby Lane Garforth LS25

Members were informed that the layout had been revised from 35 dwellings during discussions and what was before Panel was a smaller scheme which would consist of detached, semi-detached and terrace properties, with 15% affordable housing being provided

Some tree removal would be required, however replacement planting including a hawthorn hedge and trees would be provided to mitigate against this loss

In terms of car parking, each property would have two car parking spaces, which would be in addition to, for the majority of the properties, a garage. Visitor car parking spaces had also been included in the scheme. To address concerns about on-street car parking on Barrowby Lane, the applicant had indicated a willingness to contribute towards a TRO

Concerns had been raised locally about the signalised junction on Aberford Road and that currently queues of traffic built up and that this development would add to these problems. Highway were of the view that the quantum of

development proposed in the scheme would have limited impact and that there was little which could be done to improve the situation at this junction

Noise nuisance, particularly that generated from passing trains had been given careful consideration. Officers considered that the best layout for the development had been achieved; that the noise was not constant and that the Council's Environmental Protection Team was satisfied with the scheme

Concerns relating to drainage had resulted in revisions to the scheme to address this, with the intention being for water to drain into a storage area and then be discharged, with Members being informed that the Garforth Flood Group were more satisfied with the revised solution

In terms of greenspace contribution, this would be provided off-site with confirmation being provided that this would be £59,262

Officers informed Panel that following the receipt of an archaeological evaluation, West Yorkshire Archaeology Service was satisfied with the work which had been undertaken and did not require any conditions to be imposed. If minded to approve the scheme in principle, condition No 3 should be amended to include a specific reference to the need for a 1.8m high fence along the western boundary

Officers reported the receipt of five additional letters of representation

The Panel heard from the applicant's agent and Councillor Dobson, who objected to the proposals

Members discussed the following matters:

- flooding issues and that local concerns remained despite the revisions to the scheme
- the siting of the affordable housing in one corner of the site; that the Council's policy was to pepperpot this across a site and that the applicant's agent's comment that it was difficult to achieve this on a small site was not accepted
- that garages were not being provided on the affordable housing dwellings
- whether the specification for the affordable housing met the requirements of social landlords. It was confirmed that it would and there would no difference in the specification between the affordable and non-affordable housing
- sustainability issues, in particular the proximity to the site of the nearest bus stop
- the proximity of local schools to the site
- highways issues, that whilst a transport assessment had been carried out, the reality would be that residents would be leaving the site in a concentrated fashion, particularly on the school run which would cause traffic to build up

The Panel considered how to proceed

**RESOLVED** - To defer determination of the application for further information on highways, drainage and the siting of the affordable housing in the scheme and that the Chief Planning Officer be asked to submit a further report in due course

#### **14 Application 12/00547/FU - Part two storey part single storey side and rear extension, new first floor window to side - 42 Nunroyd Road LS17**

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

Officers presented the report which related to an application for extensions to 42 Nunroyd Road LS17. A previous, similar scheme had been refused and been subsequently dismissed at appeal due to design issues. Although some revisions had been made, Officers were of the view that these were not substantial enough and were recommending to Panel that the application be refused

Members were informed that the applicant had submitted a further representation on the application

The Panel heard from the applicant, who attended the meeting

Members discussed the application with concerns being raised about the compatibility of the proposed design to the host property and wider area

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

The Local Planning Authority considers that the proposed two storey side and rear extension, due to its design, results in an incongruous form of development that is out of character with the host property and the neighbouring properties. As such the proposal will be harmful to the character of the host property and the immediate street scene, contrary to policies BD6 and GP5 of the Leeds Unitary Development Plan (Review) 2006, with policy HDG1 of the Householder Design Guide as well as guidance contained within the National Planning Policy Framework

### **15 Application 12/00646/FU - Demolition of 3 bungalows, laying out of access road and erection of 11 detached houses - 30-34 Barrowby Lane Austhorpe LS15**

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

Officers presented the report which sought permission for the demolition of three properties and the erection of 11 detached houses with new access road on land to the rear of 30-34 Barrowby Lane Austhorpe, LS15

Members were informed that there was an extant planning permission for the site for a similar form of development and that the application before Panel sought to vary the design of the houses with minor alterations to their siting

Officers reported the receipt of 4 additional letters of representation and informed Members that a major concern locally, including from Ward Members was the access road with the view being that this should be provided via Thorpe Park. Having considered this, Officers felt that it was not appropriate to create an access which would isolate part of the community and be through trees protected by TPOs

Members were informed that the S106 Agreement had now been signed with clarification being provided on the greenspace contribution which was confirmed as £30,881.75 and not £15,445.75 as set out in the report. As a signed S106 was in place, rather than deferring and delegating approval of the application to the Chief Planning Officer, Panel could grant planning permission, if minded to do so

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

In view of some issues raised by the objector, the Panel's Highways Officer was asked to provide further information, with the Panel being informed that although there had been a problem with numbering, the correct part of Barrowby Lane had been the subject of a speed survey as part of the original application; that traffic

speeds were slow; that no objections had been raised by Highways to that application; that there had not been a change in circumstances since that time and that there were no recorded injuries/accidents on Barrowby Lane or leading to Selby Road

Concerns were raised about several inaccuracies in the submitted report relating to the incorrect greenspace contribution and reference to some demolition

Members also queried whether attempts had been made to resolve some of the residents' concerns in relation to this application and sought information on the proximity of the nearest bus stop to the site

Officers provided the following responses:

- that the previous application had not attracted the same high volume of representations and that the difficulty in this case was the existence of a live planning permission
- that the proposed three speed bumps as part of the 2008 permission would not be implemented as it was felt that a more flexible approach could better address residents' concerns about traffic calming
- that the nearest bus stop was approximately 500m from the site

Members discussed how to proceed and whilst accepting the level of local concern to the proposals, were mindful of the difficulty in sustaining a refusal at appeal in view of the extant planning permission

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

**16 Application 11/05424/FU - Variation of conditions 1,2,3,4,6,7,8,9,10,11,12,13,14,15 and 19 of previous approval 08/00988/FU to permit retention of agricultural workers caravans and polytunnels at Sturton Grange Farm Ridge Road Micklefield LS25**

As the next item on the agenda also related to Sturton Grange Farm, Ridge Road Micklefield, the Chair stated that one presentation would be made to cover both applications, with each application being determined separately

Plans, photographs and drawings were displayed at the meeting

Officers presented the reports which sought the retention of caravans for agricultural workers and polytunnels and an additional 20.02 hectares of polytunnels at Sturton Grange Farm as the farm moved away from traditional methods of soft fruit production, to hydroponic systems

Members were informed that in respect of both applications, an additional condition was proposed requiring the removal of the polytunnels when no longer needed for agricultural use

The Panel was informed that Councillor Dobson had concerns relating to drainage matters and that a local resident had submitted a representation stating the view that amenity issues including problems with anti-social behaviour had been down played and were not addressed by the applicant

As the site was located in the Green Belt, whilst the polytunnels were considered appropriate development, the caravans were not and required the demonstration of very special circumstances to outweigh the harm to the Green Belt. The Panel was informed that the same very special circumstances still applied, i.e. that the caravans were needed to house the workers as the applicant was not able to meet his employment requirements locally

A three year permission was being sought, which Officers felt was appropriate as it introduced an element of control and were satisfied that conditions in respect of complaints management and monitoring were adequate and that the last reported major incident at the site was in 2009

Both applications were being recommended for approval but that application 11/05424/FU would require referral to the Secretary of State as a Departure from the Development Plan

Members considered the applications with further clarification of the maximum number of workers to be employed on site being sought, with this being confirmed as 320

**RESOLVED** - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, plus an additional condition requiring the removal of the polytunnels when no longer required for agricultural purposes and subject to referral of the application to the Secretary of State as a Departure from the Statutory Development Plan and should the Secretary of State decide not to call in the application for determination

**17 Application 11/05410/FU - 20.02 hectares of additional polytunnels for Sturton Grange Farm Berry Lane Micklefield LS25**

With reference to the presentation above (minute 17 refers)

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring the removal of the polytunnels when no longer required for agricultural purposes

**18 Application 12/00053/FU - Proposed single storey extension to rear and ramp to front of education centre - 4 - 6 Carr Manor Crescent Moortown LS17**

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

Officers presented the report which related to an application for a single storey extension and access ramp to an education centre on Carr Manor Crescent, LS17. The application proposed the creation of disabled toilet facilities together with a cloakroom, washing and seating area

The planning history in relation to the application was outlined with Members being informed that in 2008 an extension was approved which included provision for toilet facilities and whilst the extension had been built, the toilet facilities had not been created

Highways issues were also a source of concern due the amount of on-street and inappropriate parking which was occurring around the centre

Although the proposed extension was relatively small scale, there was concern that it could be used as additional class space, so worsening the car parking situation

Officers had discussed the situation with the applicants and Ward Members and proposed the deletion of the additional 20sqm floorspace but informed the Panel that the applicants had not wished to do this

Whilst recognising the need for disabled toilet facilities, Officers were of the view that the proposal in this form could not be supported and were recommending the application be refused

Members heard from a representative of the centre on behalf of the applicant  
The Panel considered how to proceed

**RESOLVED** - To defer and delegate the application to Officers to seek to negotiate a smaller extension to accommodate disabled toilet provision and in the event agreement on this could not be reached, to delegate refusal of the application to Officers for the reason set out in the submitted report

During consideration of this matter, Councillor Harland withdrew from the meeting

**19 Application 11/05212/FU - Demolish existing retail units and erection 5 retail units with associated car parking and landscaping - Former Netto foodstore - York Road LS14**

Prior to considering this matter, Councillor Campbell left the meeting

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

Officers presented the report which sought permission for the demolition of the existing units and the erection of 5 retail units with car parking and landscaping on the site of the former Netto foodstore on York Road LS14

The site was an out of centre location and whilst it was unusual to be supporting a retail use, this could be accepted due to the historic retail use on the site and that permission had been granted for a single large retail foodstore on the site in 2010

Members discussed the application and commented on the following matters:

- the proposed use for the site in view of the number of supermarkets in close proximity
- the proposed design of the scheme and that a better quality design should be considered for the area
- the scale and siting of the development in view of the close proximity to residences
- the need to explicitly state the requirement for an acoustic fence in the condition relating to boundary treatments

The Panel considered how to proceed

**RESOLVED** - That determination of the application be deferred to enable further negotiations on the design, scale and siting of the units, with particular regard to addressing the impact of the proposals on the residents at the rear of the site and that the Chief Planning Officer be asked to submit a further report for Panel's consideration

**20 Application 12/00514/FU - Alterations to part of existing trolley bay area to form garden sales area to supermarket - Morrison's Supermarket Windsor Court Morley LS27**

Having previously declared personal and prejudicial interests, Councillor Leadley withdrew from the meeting

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

The Panel's Lead Officer presented the report which sought retrospective planning permission for alterations to the existing trolley bay area at Morrison's Supermarket in Morley, to form a garden sales area. Members were informed that whilst planning permission was not required for the use of the trolley bay for garden sales, it was for the physical structure which had been erected in the trolley bay. Furthermore permission was sought for the dutch trolleys, used to display the plants as this was contrary to a condition attached to the original 1970s planning permission for the store

If minded to approve the application, an additional condition relating to the details of additional trolley storage area to be submitted and approved was requested

Members discussed the application and commented on the following matters:

- the impact of the dutch trolleys on the nearby disabled parking spaces with concerns these were a safety hazard
- that the arcade leading up to the site was a busy one and that the dutch trolleys could be considered to be an obstruction
- that as a company, Morrison's seemed to be moving into garden sales, with similar proposals having been sought to be implemented elsewhere and that perhaps a pro-active approach to such applications might result in better outcomes

The Panel considered how to proceed

**RESOLVED** - That determination of the application be deferred for further negotiations, particularly on the extent of the storage proposed and to seek a better form of development and that the Chief Planning Officer be asked to submit a further report in due course

During consideration of this matter, Councillor Harland resumed her seat in the meeting

Following consideration of this matter, Councillor Leadley resumed his seat in the meeting

## **21 Application 12/0146/FU - Detached double garage to front; conversion of existing detached double garage to habitable room with link extension to main house - Little Acres Linton Lane Linton LS22**

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for a new, detached double garage and the conversion of the existing double garage to a habitable room with a link extension to the main house at Little Acres, Linton Lane which was situated in a Conservation Area

Members discussed the application, with Councillor Procter, for the benefit of the new Members of the Panel, providing further details on the numerous applications received on this particular site, with concerns that having previously granted permission for a garage, the proposals were to convert this to an additional habitable room and permission for another garage was being sought

Whilst sympathising with these comments and understanding the concerns which existed, the Chair considered that the proposed new garage was well screened and would still provide adequate garden space and stated that a refusal could be difficult to substantiate at appeal



The Head of Planning Services referred to recent publicity about the possibility of garages becoming ancillary accommodation, i.e. a granny annexe, without the need for planning permission and the need on such applications for a condition restricting use to garage only should be considered

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report and an additional condition restricting use of the garage to the parking of cars only

## **22 Application 08/00298/OT - Outline application to lay out access and erect residential development at the former Optare Site Manston Lane Crossgates LS15**

Further to minute 54 of the Plans Panel East meeting held on 11<sup>th</sup> August 2011, where determination of an application to layout access and erect residential development at the former Optare site on Manson Lane Crossgates LS15 was deferred to enable further discussions to take place on the issue of viability, the Panel considered a further report of the Chief Planning Officer

Officers presented the report and outlined the application and background to it. Appended to the report was a comparison table showing the levels of planning contributions as at September 2008, when Panel deferred and delegated approval to Officers following the completion of the S106 Agreement and those currently being proposed. Whilst the level of affordable housing being offered had reduced from 25% to 15% (for the first phase of development) in line with the interim affordable housing policy, additional obligations relating to public transport and employment and training, and increased contributions in respect of education and greenspace would be provided and that local employment/training initiatives had been secured, with Members being informed that the Skills Service would lead on organising this, with the majority of the jobs being created in the construction industry

Members commented on the following matters:

- the need to involve local NHS providers early in the process on the proposals for additional residential development to ensure services were in place
- concerns that the developer could wait for almost 2 years – the time limit attached to the provision of affordable housing at 15% in the first phase – and then begin development, having ‘banked’ the lower level of affordable housing provision with concerns that the policy was not sufficiently robust to protect the Council in this matter
- the possibility of reducing the timescales for commencement on site from 2 years to 1 year

The Head of Planning Services stated that the Council had an interim affordable housing policy in place which specified a two year period, with this having been agreed by Executive Board, with this policy being reviewed in the next few months. Mr Sellens also explained that some level of commitment was sought from developers and this had to be more than a technical start

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and the completion of a S106 to include the following:

Affordable housing

- at 15% for phase 1 (i.e. pre Manston Lane Link Road) if commenced within 2 years of approval

- thereafter in accordance with the policy in force at that time
- Education contributions
- Primary School - £2,972 per family house
  - Secondary School - £1,791 per family house
- Public transport contribution
- £1,033 per 3 bed house and larger
  - £310 per flat and/or 2 bed house
- Greenspace (Children's play area):
- £604.55 per house
  - £97.50 per flat
- Greenspace
- 10% of the site area to be provided on-site (including maintenance)
  - £57,821 contribution towards off-site improvements
- Local employment and training initiatives
- Public transport infrastructure contribution (£23,000)
- Off-site highway works
- Travel plan and monitoring fee
- Metro cards

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

**23 Date and time of next meeting**

Thursday 12<sup>th</sup> July 2012 at 1.30pm in the Civic Hall, Leeds