

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 28TH MARCH, 2013**

**PRESENT:** Councillor J Harper in the Chair

Councillors J Akhtar, J Bentley, R Finnigan,  
C Gruen, C Towler, P Truswell,  
P Wadsworth and J Walker

### **67 Chair's opening remarks**

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

### **68 Late Items**

There were no late items

### **69 Declarations of Disclosable Pecuniary and other Interests**

There were no declarations of disclosable pecuniary interests

### **70 Apologies for Absence**

Apologies for absence were received from Councillors Coulson and Wood

### **71 Minutes**

**RESOLVED** - To approve the minutes of the South and West Plans Panel meeting held on 28<sup>th</sup> February 2013

The Chair took this opportunity to formally record her thanks to Councillor Coulson who had chaired the February meeting at short notice due to Councillor Harper being unable to attend due to illness

### **72 Application 13/00828/FU - 2 Castle Ings Gardens, New Farnley, LS12**

Plans, drawings and photographs were displayed at the meeting  
Officers presented the report which related to an application for retrospective planning permission for a 1.8m high fence to the side boundary of 2 Castle Ings Gardens LS12

Members were informed that a compromise position had been suggested by Officers, whereby the fence could be retained if it was re-sited 1m into the site. Having considered this, the applicant chose to submit an application to regularise the existing fence, which Officers could not support on the grounds that it formed an unduly intrusive boundary feature which was inappropriate to its surroundings. For this reason, Officers were recommending to Panel that the application be refused

The Panel heard representations from the applicant and from Councillor Hardy who was supporting the application. Members were informed of the special circumstances of the applicant's family, in that her daughter who had disabilities, enjoyed being outdoors and that the fence gave her the privacy she required. It was noted that the initial objection from Highways Officers had been reviewed and that a reason for refusal of the application on highways grounds could not be sustained

Members commented on the starkness of the fence and recommended that natural planting should be used to soften its appearance

**RESOLVED** – That the Officer's recommendation to refuse the application be not accepted and to approve the application in principle and defer and delegate final approval of the application to the Chief Planning Officer, subject to a condition regarding appropriate planting to be provided to the fence

### **73 Application 12/02434/FU - Manor Park Surgery, Bellmount Close, LS13**

Further to minute 11 of the South and West Plans Panel held on 11<sup>th</sup> October 2012, where Panel considered an application for extensions to a GP surgery, including pharmacy, opticians and laying out of car park and resolved to grant planning permission, Members considered a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting. A site visit had taken place for Members on 11th October 2012

The South and West Area Planning Manager presented the report and informed Panel that following the grant of planning permission, a letter had been received by the Council on behalf of Lloyds Pharmacy, which was currently sited adjacent Manor Park Surgery, to advise that the Panel's decision was being challenged on grounds which included the failure to take into account policy S2 of the UDP; not being clear about the sequential test and the relevance of the National Planning Policy Framework and that emerging policy did not override adopted UDP policy. Following discussions with Legal Services and the opinion of Counsel, a 'Consent Order' was agreed to the quashing of the decision, as some elements of the report presented to Members in October 2012 should have been considered in greater detail. Members were informed that the application was now being brought back to Panel for determination and the report before Panel highlighted the points made in the judicial review challenge and dealt with them comprehensively. Having reconsidered the matter, Officers were still of the view that the application should be recommended for approval

Members were informed that the proposals would help meet demand in this area for increased and enhanced medical facilities which included longer

pharmacy opening hours and specialist GP-led services which were not currently available

Details about the principle of development; scale, layout, site access, relationship with neighbouring residential properties, car parking, highways and the severing of the current internal connection with Lloyds Pharmacy were provided. A correction to the pharmacy opening hours for Saturday and Sunday as set out in condition 3 of the submitted report was reported, with Panel being informed these would be 09.00 – 21.00 Saturday and 12.00 – 20.00 Sunday

In relation to the application, Policy S2 of the UDP and Policy S9 were outlined in detail by the Lead Officer, as set out in the submitted report

In respect of the objections received regarding needle exchange and methadone, Members were advised that the applicant had stated that these services would not be provided from this surgery

Concerning issues raised by Lloyds Pharmacy about competition, Members were advised that little weight should be given to this issue when considering the planning merits of the application

The Head of Planning Services, Mr Sellens, read out a letter to Panel which had been received on 27<sup>th</sup> March from the legal representatives acting for Lloyds Pharmacy which stated that they had taken Leading Counsel's advice on the report and that a number of serious failings had been identified and there were a number of grounds for seeking judicial review if permission was granted by the Panel on 28<sup>th</sup> March, - deferral of the application was therefore requested to enable time for the detailed concerns to be shared with the Council or if not, that their letter be copied to Panel Members

Members were informed that Officers had further contacted the solicitors acting for Lloyds Pharmacy to inform them that the Council had taken it's own legal advice and that the Council was satisfied with the report before Panel and asking on what grounds the report had failings. The legal representatives of Lloyds Pharmacy had not provided reasons to support their view that the current report was faulty and had indicated to Officers that there had not been sufficient time for them to do this

The Head of Planning Services referred to the fact that the PCTs were ending on 31<sup>st</sup> March 2013, which could lead to funding issues for the development. Mr Sellens also stressed the importance of any decision on the application being safe and that if Panel was content that it was in possession of all the information needed to take a decision, it should determine the application and that it would be unfair to the applicant to defer a decision on the application when the grounds for doing so were unknown

Members commented on the following matters:

- Landscaping issues and whether further planting to the boundary facing the residential properties could be provided. The Panel was informed that Ward Members accepted that it was a tight site and had considered the level of planting to mitigate against the impact of the development on neighbouring properties but on balance considered it appropriate in view of the much needed improvements to health provision the scheme would bring
- The level of representations the application had attracted

**RESOLVED** – That the application be approved subject to the conditions set out in the submitted report, with amendment to condition No 3 in respect

of opening hours of the pharmacy to read in relation to Saturday 09.00 – 21.00 and Sunday 12.00 – 20.00

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

**74 Application 13/00550/FU - Land Adj Woodhouse Methodist Church, Woodhouse Street, LS6**

Plans, photographs and drawings were displayed at the meeting  
Officers presented a report which related to an application for a retail unit and car parking outside on land at Woodhouse Street LS6. Members were reminded that a larger scheme which included a retail unit, car parking and student accommodation was refused by South and West Panel at its meeting on 11<sup>th</sup> October 2012 (minute 14 refers). Whilst the retail element of that scheme was considered, no reason for refusal was provided in relation to that use. In respect of the previous application, Members were informed that this was currently the subject of an appeal

The application before Panel was for a small, 289sqm retail unit with 19 car parking spaces outside an S2 centre. A sequential test had been applied and Officers were satisfied that there was no alternative unit available in the area to accommodate this use and that this unit would not have an adverse impact on shopping elsewhere

Members discussed the application and commented on the following matters

- Whether the applicant had consulted on the proposals
- The impact on businesses in the area with the view that this development would be detrimental to local shops
- Whether a S106 Agreement applied in this case
- The need for Officers to be fully aware of the on-street parking problems in areas of the city and the particular problems being experienced on Woodhouse Lane due to commuter parking
- Highways concerns, particularly the turning circle for HGV delivery vehicles; that often larger vehicles were used for deliveries, resulting in parking on the road which was not acceptable and the need to condition this and ensure it was enforced
- That no local employment condition was proposed and that this had been done successfully on a small store in the Morley area of the city

Officers provided the following responses:

- That community consultation had been carried out on the previous scheme and many people had welcomed the retail unit but had expressed concerns about the residential element of those proposals which had been deleted from this scheme before Panel. Site notices had been placed around the area for this application; that no objections to it had been received and that the speaker at the October meeting who had opposed the previous scheme had stated that he was not opposing this application
- That a S106 Agreement did not apply to this application

- That the manoeuvring for HGVs shown to Panel related to a 10m rigid vehicle and that an articulated lorry could not easily be accommodated. To address Panel's concerns, condition 13 could be expanded to specify the vehicle size to be used and that condition 7 relating to a scheme to restrict/prevent parking on Woodhouse Street, before occupation of the development would help to provide safe conditions for access and egress
- That although local employment clauses were usually applied to major employment uses, it would be possible to add this to the proposed conditions

Members considered how to proceed

**RESOLVED** - That the application be approved subject to the conditions set out in the submitted report, an additional condition relating to local employment and an amendment to condition no 13 to specify the size of the delivery vehicle to be used

## **75 Application 12/04929 - Former Clariant Works, Calverley Lane, Horsforth, LS18**

Plans, photographs, graphics and an artist's impression were displayed at the meeting

Officers presented a report seeking Reserved Matters approval for a residential scheme on the former Clariant Works site at Calverley Lane Horsforth LS18

Members were reminded that the outline application for the site had been refused by Panel but had been granted on appeal and therefore the principle of development had been established. Whilst outline permission had been granted for 400 homes, the application before Panel was for 331 dwellings which comprised mainly family housing but also included some flats and two retail units

Officers provided the following information;

- Details of the off-site highway works
- the access to the site
- the proposed bus route and how this could link into the adjacent Riverside Mills site in the future
- the site layout, pedestrian access and areas of POS, including the Village Green area within the development which was 1600sqm
- that the size of the gardens complied with 'Neighbourhoods for Living'
- the proposed materials which included stone, slate and some render
- landscape details and that the inclusion of semi-mature trees in the planting scheme was proposed
- the location of the two retail units which would have apartments above them
- the scale of the properties, with two and three storey dwellings being proposed

A late representation was reported from Councillor A Carter who had queried the bus link from Horsforth Town Street to the railway station and that it should be extended. Members were informed that this matter had been

discussed at the Inquiry and the Inspector accepted the public transport provision so this could not be considered further as part of this application

Concerning the objection by Sport England, this was based on a lack of information about the future of the neighbouring pavilion and sports field. Officers had provided further details and Sport England were comfortable about the refurbishment of the pavilion but sought assurances that the pitches which were well used by a number of teams, would not suffer by increased demand from residents of the development. Members were informed that the quality of the existing pitches would be assessed as would the likely amount of new demand and this would be factored into the management and maintenance plan, with the developer setting aside an amount of funding for this. Although Sport England's objection remained, Panel was advised that it would be possible to determine the application as there was a means to resolve this objection, by way of the S106 Agreement post determination and prior to commencement of the development

If minded to approve the application, Panel was informed that conditions 10 and 11 as set out in the submitted report were no longer required as the existing drainage would be revised

Members commented on the following matters:

- the location of the affordable housing, with this being shown as being pepper-potted in four locations around the site
- that inclusion of decorative chimneys on house types should be encouraged
- the presence of ginnels on the site, with Members being advised that no ginnels had been included in the scheme
- how the development could be considered to be sustainable in view of a lack of school places in the area. Panel was informed that an education contribution of £2972 per dwelling had been agreed, with Children's Services being satisfied on this
- bus services and that diverting the Ring Road bus would be of greater benefit as this accessed a wider area. Members were informed that this matter would be for Metro to decide upon

Members discussed in detail the off-site highway works and the long-term aims for the two major roundabouts in the vicinity of the site. The Lead Officer for Panel advised that there were constraints in terms of what could be achieved, due to what was agreed at appeal. However, the highway works would be complementary to any future works the Council might contemplate in due course

Panel considered how to proceed

**RESOLVED** - - That the application be granted subject to the conditions set out in the submitted report, with the deletion of conditions 10 and 11

Under Council Procedure Rule 16.5, Councillor Wadsworth required it to be recorded that he abstained from voting on the matter

During consideration of this matter, Councillor Truswell resumed his seat in the meeting

## 76 Date and Time of Next Meeting

Draft minutes to be approved at the meeting  
to be held on Thursday, 25th April, 2013

Thursday 25<sup>th</sup> April 2013 at 1.30pm in the Civic Hall, Leeds