

PLANS PANEL (WEST)

THURSDAY, 15TH APRIL, 2010

PRESENT: Councillor C Campbell in the Chair

Councillors A Castle, B Chastney,
M Coulson, T Leadley, J Matthews,
E Nash, F Robinson, N Taggart and
L Yeadon

101 Late Items

There were no formal late items however an additional document relating to agenda items 11 and 12 Mid Point Office Park, Pudsey (copy of January 2009 report) which had been omitted in error from the report had been despatched to the Panel prior to the meeting.

102 Chairs Opening Remarks

The Chair welcomed all present to the meeting, particularly Councillor Robinson as a new member of the Panel.

103 Declarations of Interest

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

Councillor Campbell - Application 09/05311/OT redevelopment of Springhead Mills – declared a personal interest as a local authority appointed Member of WYITA. Comments made by WYITA were included within the Position Statement report discussed by Panel on 18 February 2010. The report before Panel on this occasion set out proposed reasons to refuse the application. (minute 108 refers)

Councillor Campbell - LBIA Monitoring Report - declared a personal interest as a local authority appointed member of the Leeds Bradford International Airport Joint Consultative Committee (minute 107 refers)

Councillor Castle - Application 09/05311/OT redevelopment of Springhead Mills – declared a personal interest as a member of Leeds Civic Trust. The comments made by the Civic Trust were included within the report presented to Panel on 18 February 2010. The report before Panel on this occasion set out proposed reasons to refuse the application (minute 108 refers)

Councillor Castle - Application 09/03653/FU rear extension at 54 Cliff Road, Woodhouse – declared a personal interest as a member of Leeds Civic Trust. Comments made by the Civic Trust were referred to in the report. (minute 112 refers)

Councillor Coulson - Variations of conditions attached to permissions for redevelopment of Mid Point, Office Park, Pudsey – declared a personal

interest as a member of Leeds Bradford Corridor Working Group which had been mentioned in previous discussions on the applications. He had also declared a personal interest in the matter when the original application was considered (minute 110 refers)

104 Apologies for Absence

Apologies for absence were received from Councillor Harper. The Panel welcomed Councillor Nash as her substitute

105 Minutes

RESOLVED – The minutes of the previous meeting held 18th March 2010 were agreed as a correct record

106 Report on recent Appeal Decisions for Householder Applications from 1st July 2009 to 31st March 2010

The Panel considered the report of the Chief Planning Officer setting out the results of appeals decided within the Plans Panel West area for Householder Planning Applications for the period 1st July 2009 to 31st March 2010.

The report outlined the results and considerations of the Planning Inspectors on 32 appeals. In brief 20 were dismissed, 10 allowed and 2 issued with a split decision. Officers felt that some of the decisions highlighted the contradictory approach of different Inspectors to similar issues.

A report to consider any lessons to be learned from the Inspectors findings was being prepared. Officers stated it was difficult to identify any trends in the Inspectors decision making and the increased number of appeals lodged could be attributed to the implementation of the electronic appeal system.

The Head of Planning Services highlighted the comments of the Inspector at the Hartley Crescent appeal and assured Members that relevant housing mix data would be presented to future appeals when necessary. It was noted that collation of this type of data would be improved through the introduction of the new Use Classes on 6 April 2010 which created a class for Houses in Multiple Occupation (HMO's) which along with the new HMO licensing process, would afford the LPA the opportunity of collating and presenting robust data.

The Chair welcomed the move of some Inspectors to consider the overall character of an area in their deliberations, and Members commented that they felt their approach was not inaccurate

RESOLVED – To note the contents of the report

107 Leeds Bradford International Airport - Monitoring Report of Night Time Aircraft Movements, Noise Levels and Air Quality

The Panel considered the report of the Chief Planning Officer on the monitoring of night time aircraft movements, noise and air quality in relation to Leeds Bradford International Airport. Officers highlighted the number of times a particular airline carrier (PIA) had operated outside of the permitted hours, and therefore caused a breach of planning conditions.

It was reported that LBIA was working with this operator to minimise the likelihood of further breaches and suggested measures were contained in paragraph 5.5 of the submitted report, although not yet implemented. Members were keen to ensure the measures were implemented and to understand how and when these would be in place. Officers explained the process prior to formal enforcement action should matters not improve and the Panel indicated that enforcement action should be taken if there were any further breaches by Pakistan International Airway flights.

The Head of Planning Services received support for the approach taken so far and for his suggestion that a letter be sent on behalf of the Panel to the Airport expressing the Authority's desire to see the measures implemented and offering support to LBIA in their negotiations with the individual operator.

The Chair reported he had obtained figures for December 2009 /January 2010 flight departure times and had noted the range of times the particular aircraft used by that operator departed. Members commented that an earlier departure time may not be enough to combat the noise issue alone. The Chair also suggested the LBIA Noise Action Plan updates should be forwarded to this Panel. He also requested more detail on the mechanism for recording departure times.

RESOLVED – That the contents of the report be noted and

- a) That the Chief Planning Officer be authorised to write to the Airport and request an update and firm timescale on the initiatives that LBIA and PIA have committed to, these being:
 - a. The introduction of a B777 aircraft for the PIA flights
 - b. The reduction of the numbers of departures per week of the PIA Flight
 - c. The re-scheduling and earlier departure time of the PIA flights and
 - d. The implementation of the Noise Action Plan
- b) To note that officers will present an update report on these issues in 6 months time and report again on night time movements, noise and air quality monitoring in 6 months time
- c) To request officers also include detail of the mechanism for recording departure times in that report
- d) To note the request that LBIA Noise Action Plan updates be presented to appropriate Plans Panel West meetings in the future

108 Application 09/05311/OT - Outline application to demolish Mill Buildings, layout access road and erect Residential Development, comprising of dwellings, Sheltered Housing accommodation (C3) & Care Home (C2) and conversion of Mill Building to residential (indicative only), with car parking, Springhead Mills, Springfield Road, Guiseley, LS20

Further to minute 91 of the meeting held 18th February 2010 when the Panel received a position statement on the proposals, the Chief Planning Officer submitted a report on the detail of the application as submitted. The report set out proposed reasons to refuse the application for the Panel to consider.

Plans and photographs of the site were displayed at the meeting. Officers reported receipt of 48 letters of objection including letters from Mr P Truswell MP and from local ward Councillor Andrew and went onto highlight their consideration of:

Loss of employment land – a study had concluded the current supply was sufficient for local employment needs without this site being essential. The site was surrounded by housing and may not be considered to be an ideal industrial site in the future. Officers were mindful the Panel had previously expressed a desire to keep some employment use here, but stated they did not feel they could defend a reason for refusal based on the loss of employment land.

Assisted Living Apartments – the clarity sought from the applicant on this issue had not been supplied. Use Class C3 attracted contributions as an ordinary residential use, Use Class C2 did not. Problems relating to the levels of provision of parking and amenity could occur without confirmation of the exact nature of the residential type

Design and Impact on the Guiseley Conservation Area – the buildings appeared too large/bulky and too different to those in the setting. The buildings within the northern part of the site lay within the proposed extended Conservation Area and were regarded as having some local importance but were proposed for demolition under this application

Public Transport Infrastructure/Greenspace Provision – a legal agreement is not in place to secure the financial contributions required to deal with these matters and this is dealt with the recommended reasons for refusal

Affordable Housing – the applicant sought a more flexible approach to determining the level of affordable housing in the future but officers considered that a case had not been made to depart from normal policy requirements.

Housing Mix – Much of the development was designed to cater for more elderly residents. Officers reported that, in the context of a number of recent developments in the locality also geared to older people, that it had not been shown that the development would achieve an appropriate mix and balance in the community in line with Government guidance on PPS3

Officers provided an update on comments received from Highways following the results of traffic survey stating that although this development would not have an unacceptable impact on the network in terms of impact on junctions, there were concerns regarding traffic controls; and the site layout did not meet current design standards. As such officers requested an amendment to Reason 4 as follows:

FROM - The Local Planning Authority considers that the proposal includes inadequate information to enable an informed decision to be made regarding the impact of the proposal on the highway network. In the absence of such information it is considered that it is likely to lead to an intensification of use which, in the absence of off site traffic management measures, would generate additional congestion as well as conflicting traffic movements to the detriment of road safety, the free flow of traffic and the amenity of existing and prospective residents in this vicinity, and the proposed development is therefore contrary to policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006)

TO – “The Local Planning Authority considers that the proposed development does not include satisfactory provision for access to the site including measures to control on-street parking on Springfield Road and satisfactory pedestrian linkages from the site to surrounding destinations. In addition, the detailed layout of the site does not meet the layout requirements of the Council’s Street Design Guide August 2009. It is further considered that the submitted Travel Plan does not satisfactorily address the need to promote sustainable patterns of travel. The development would therefore be detrimental to highway safety, contrary to Policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006)”.

Members whilst acknowledging this would be a difficult site to develop commented the application did not yet present any proposals the Panel could support.

RESOLVED – That the proposed reasons to refuse the application as set out in the report be agreed – with the exception of Reason No 4 which is amended in the following terms:

“The Local Planning Authority considers that the proposed development does not include satisfactory provision for access to the site including measures to control on-street parking on Springfield Road and satisfactory pedestrian linkages from the site to surrounding destinations. In addition, the detailed layout of the site does not meet the layout requirements of the Council’s Street Design Guide August 2009. It is further considered that the submitted Travel Plan does not satisfactorily address the need to promote sustainable patterns of travel. The development would therefore be detrimental to highway safety, contrary to Policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006)”.

109 Application 10/00779/EXT - Extension of time for Planning Application 06/02738/FU for 3 and 4 Storey Block of 3, 5 and 6 Bed Apartments (47 beds in 11 clusters) with 14 car parking spaces at 45 St Michaels Lane, Headingley, LS6

Site plans, layout plans and photographs of the site were displayed at the meeting. Officers outlined the development proposals previously approved by the Planning Inspectorate in 2007. Officers reported receipt of 67 letters of objection, including letters of representation from Leeds HMO Lobby and local ward Councillor J Monaghan.

The Panel were advised of the 2009 Government guidance on applications for extensions of time for implementation of extant permissions, particularly whether anything had materially changed since the grant of permission.

Officers stated they had considered the application having regard to:

- the Government advice
- against the UDP criteria
- the Inspectors comments at the appeal,
- the outcome of the “Glassworks” appeal where the Inspector had regard to the disturbance likely to be caused by student resident of the 256 bed development to existing residents in traditional family housing. It was noted the Inspector at the St Michaels appeal also considered the issue of disturbance but had come to a different conclusion as this

application was very different. Officers therefore felt there was no choice but to recommend approval of this application to extend the time limit for the permission.

Officers did acknowledge local feeling that there was a surplus of student accommodation but this could be attributed to the uptake of new purpose built student accommodation leaving houses previously let to students vacant and potentially available for family occupation.

The Panel discussed the following matters

- Expressed dismay at the Inspectors decision in 2007.
- Location of the site within the heart of Headingley adjacent to traditional semi detached houses. Members still believed the proposal was too high, overbearing and over dominant for this small site.
- Concern at the impact on local highways network
- Noted comments that some student housing developments were empty
- Expressed the view there had been a material change due to the increase in and availability of purpose built accommodation

The Panel heard representation from Mr P Downing, an objector who stated that families were moving back into the area and this new development would have a detrimental impact on the improving housing mix. He expressed concern over highways issues; particularly the inclusion of a gated access to Back Broomfield Crescent which he believed would be used as a general pedestrian route by students. Mr Downing stated that 1000 students attending classes in the new Carnegie development would add to pressures on the area.

The Panel then heard from Mr S Grundy, agent for the applicant who addressed the contents of the Government Guidance and stated that this development would continue the current trend of releasing old style student lets back to family housing. Mr Grundy confirmed the applicants would agree to the gated access to Back Broomfield Crescent being used only as emergency service access and being locked at all other times.

Members further discussed:

- the comments about purpose built accommodation but remained unhappy this development was proposed in its present form in the middle of a residential area.
- the comment about 1000 students at the school and their likely impact on the neighbourhood
- the changes in the locality due to the new Cricket Pavilion and the subsequent increase in pedestrian and vehicle movements particularly on match days

(Councillor Taggart joined the meeting at this point)

The Chair noted the majority of Panel Members were not minded to approve the application and suggested the matter be deferred for one cycle to afford officers the opportunity to consider the points made by Members. The Panel

were advised that very strong evidence would be required to overturn the decision of an Inspector and attendance by a Panel Member at any subsequent appeal would be essential

Members were not minded to accept the officers recommendation to approve the application and

RESOLVED – To defer the application for one cycle to allow time for officers to investigate the merits of the reasons to refuse the application discussed by Panel including:

- PPS3
- Change in demand for student housing
- Change in the locality including the impact of the new Cricket stand, its impact on highways and student usage
- Relevance of the Glassworks decision due to noise impact and proximity of this site to residential

(Councillor Taggart abstained from voting on this matter as he had not been present for consideration of the whole item of business)

110 Application 10/00613/FU - Variation of Condition 28 of Application 25/407/05/OT (Affordable Housing Matters) AND Application 10/00614/FU Variation of Condition 5 of Application 07/05428/RM (Affordable Housing Matters) to approved residential development at land to the rear of Mid Point, Office Park, Dick Lane, Pudsey

The Panel considered consecutive reports on two applications requesting variations to Affordable Housing conditions in relation to a proposed residential development on land to the rear of Mid Point, Office Park, Dick Lane, Pudsey. The report on 10/00613/FU appeared as agenda item 11 and 10/00614/FU was included as agenda item 12 and both matters were considered together.

Officers reported the original permission secured 25% Affordable Housing (AH), with a 50:50 split between on-site/off-site provision. A financial viability assessment undertaken in July 2009 showed the development would not be viable if those obligations were met. The developers now sought flexibility in the approach to AH provision and had undertaken discussions with local ward Councillors who supported the developers approach but sought 100% off-site provision immediately.

In response the developers offered to commit 10% now, then 10% later with the remaining 80% being forthcoming following satisfactory viability assessments. Officers reported this approach to the S106 Agreement would enable development to start on-site but noted the LPA may not receive the remaining 80% if the economy did not improve.

The Area Planning Manager read the contents of an e-mail received from local ward Councillor A Carter expressing his support for the proposed approach due to the proximity of the development site to existing affordable housing.

The Panel then heard from local ward Councillor Marjoram who further explained the stance of ward councillors and acknowledged that although offsite provision monies may not be spent within the Calverley & Farsley wards the scheme would benefit the whole locality. Members also heard from Mr Rawlinson, the agent for the developer, who reiterated the scheme was not viable in its current form and estimated the AH requirement as £2m. He outlined the guaranteed 20% (offer totalling £400k now), in the hope that further financial viability assessments would provide the solution for the remaining 80%.

Members went onto discuss:

- The principle of changing the condition which required AH on-site and accepting the provision of a commuted sum instead
- The view of local ward councillors who could accept that monies may not be spent in the ward IF this would enable the developer to be onsite straight away
- The possibility the money could be spent within the “Leeds Bradford corridor” rather than the ward itself
- The developers offer to provide 20% of the AH commitment soon, with the remaining 80% when it was possible
- Proximity of this site to existing AH in Bradford and Leeds

Members were advised that amending the Section 106 would offer flexibility but that the S106 itself would ensure that profit from house sales would be designated to the AH contribution.

The Panel adjourned for a short comfort break at this point

(Councillor Nash withdrew from the meeting)

Members considered and broadly agreed with each of the recommendations pertaining to each of the applications but remained concerned about the framework for how AH would be delivered on the site. The Chair directed Panel to consider whether 100% of the AH requirement should be a commuted sum. If that was accepted, the Panel would need to consider at what point the commuted sum was paid.

Members discussed the possibility that the commuted sum could be spent in the Leeds Bradford corridor as previously mentioned and considered this to be too broad an area. They expected the monies to be spent within the ward of the development. The Panel was also keen to ensure the LPA received the 100% of the commuted sum. Members were advised that “greenspace 106” monies were spent within wards with the developers input, however LCC decided how and where S106 AH monies were spent. In any event the terms of the 106 would have to be presented to the Panel for final agreement.

Noting the agreements reached to amend the conditions, and the acceptance of a commuted sum rather than provision on site, the Chair suggested a different approach to the payment of the AH monies:

On sale of 25% of the housing – LCC receive 25% AH monies

On sale of 50% of the housing – LCC receive 25% AH monies and so on until 100% was provided. This approach was supported by the Panel.

The Panel discussed the current 25% AH Policy, but took the view this policy should be adhered to bearing in mind the existing regional Spatial Strategy suggested 30-40% and the overall demand for housing in the city

RESOLVED –

- a) **Application 10/00613/FU** – That the application to vary Condition 28 attached to Application 25/407/05/OT be amended to read “ Prior to commencement of development arrangements for the provision of affordable housing shall be agreed in writing by the Local Planning Authority”
- b) **Application 10/00614/FU** – That the application to vary Condition 5 attached to Application 07/05428/RM be varied to read “ Prior to commencement of development, arrangements for the provision of affordable housing in accordance with Condition 28 of Outline permission reference 25/407/05/OT shall be agreed in writing with the Local Planning Authority”.
- c) That the comments made by Panel regarding the framework for delivery of the AH commuted sum be noted by officers and the developer in the drawing up of the Section 106 Agreement and
- d) To note the Section 106 Agreement will be presented to Panel at the appropriate time

111 Application 08/06627/FU - Part Three Storey, Part Single Storey Side Extension with Roof Terraces at First Floor and Third Floor Levels, 20 Rockery Road, Horsforth, Leeds LS18 5AS

Plans and photographs of the site were displayed along with artists' impressions of the proposed development. Members had previously visited the site. The report included reasons to refuse the application and officers reported that, on receipt of details for the proposed materials, reference to materials should be deleted from the reason. Members noted the site lay within the Horsforth Conservation Area and was surrounded by historic buildings.

Officers outlined the proposals; the negotiations undertaken with the applicant and their view that the proposal was finely balanced, as the modern design element was acceptable but Members views were sought on whether it was acceptable in this location.

The Panel heard from Mr N Brown, agent for the applicant, who addressed issues of design and the context of the application site.

The Panel received comments from the highways officers regarding access to the proposed garage, parking and the suitability of the access road. Members discussed the design of the proposal which they generally found to be acceptable; however the Panel also expressed the opinion that this design did not complement the existing dwelling; changed the nature of all the dwellings within the terrace and would not be acceptable within this setting in terms of

- dominance at the end of traditional terraces

- contrast between the flat roof extension and the pitch roof of the terraces
- contrast between the elongated windows contrasting with the traditional windows to the front elevation

Following a vote the Panel

RESOLVED – that the application be refused for the following reason:

“The Local Planning Authority considers that the proposed extension by reason of its inappropriate and over-assertive scale, form and detailing in a prominent and sensitive location will not sympathetically relate or complement the existing historic terrace row or the Conservation Area as a whole. As such the proposal is considered to be detrimental to the character and appearance of the original terraced row, the present street scene and the Horsforth Conservation Area, contrary to Policies GP5, BD6, N12, N13 and N19 of the Leeds Unitary Development Plan (Review 2006), advice contained within PPS1: Delivering Sustainable Development and PPS5: Planning for the Historic Environment as well as supplementary guidance contained within Neighbourhoods for Living (2003) and the Horsforth Conservation Area Management Plan (2008).

112 Application 09/03653/FU - Retrospective application for Single Storey rear Extension at 54 Cliff Road, Woodhouse, Leeds LS6 2EZ

Photographs of the site and the development were displayed at the meeting. Members had previously visited the site.

Officers highlighted the main issues for consideration as the construction materials and the view that this was unacceptable development within the Conservation Area. Officers reported receipt of an e-mail from local ward Councillor Ewens and letters of representation from a neighbour; Leeds Civic Trust and North Hyde Park Neighbourhood Association.

The Panel also considered:

- issues of overlooking, although noted the rear courtyard garden was overlooked by all dwellings within the terrace;
- the width of the extension and its relationship to the gable end;
- the windows to the side elevation
- the suitability of the materials within the Conservation Area

(Councillor Matthews withdrew from the meeting for a short time at this point)

Officers reported the history of the application particularly as the applicant had made a verbal enquiry to the Development Enquiry Centre prior to commencing the works. It was felt that advice given had been misinterpreted by the applicant and officers reiterated that this development, as it lay with the Conservation Area would require planning permission. Members noted the applicant had lodged an appeal against non-determination and

RESOLVED – That had the Local Planning Authority been in a position to determine the application then it would have been minded to refuse the application under delegated powers for the following reason

“The Local Planning Authority considers that the extension by reason of its scale, materials and detailing has produced a discordant feature which is unsympathetic to the character of the host dwelling and terrace row to the

detriment of the Conservation Area. As such it fails to preserve or enhance the Conservation Area and is contrary to Policies N19, BC7, GP5 and BD6 of the Leeds unitary Development Plan (Review) 2006 and advice contained within PPS5 – “Planning for the Historic Environment”

113 Chairs Closing Remarks

The Chair commented this would be the last Panel meeting prior to the forthcoming local and General Elections and wished all colleagues well in the elections. He also noted that Councillor Robinson would retire from Council at these elections and expressed his best wishes to him on behalf of the Panel

114 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next Panel meeting as Thursday 20th May 2010 at 1.30 pm