

PLANS PANEL (WEST)

THURSDAY, 12TH AUGUST, 2010

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, A Castle, B Chastney,
M Coulson, J Hardy, J Harper, T Leadley,
J Matthews and R Wood

IN ATTENDANCE Councillor M Hamilton
Councillor J Monaghan
Councillor J Illingworth

20 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves for the benefit of the members of the public who were attending the meeting

21 Late Items

There were no formal late items, however Members were in receipt of the following information to be considered at the meeting:

Applications 08/04214/OT/08/04216/FU/08/04217/CA/08/04219/FU and 08/04220/LI – Residential development at Leeds Girls High School Headingley Lane LS6 – a plan showing visibility splays which had been requested by Members on the site visit which had taken place earlier in the day (minute 25 refers)

22 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:

Leeds Girls High School applications (minute 25 refers):

Councillor Taggart declared personal and prejudicial interests through having undertaken work for the applicant's agents, albeit not in Leeds

Councillor Castle declared personal interests through being a member of Leeds Civic Trust which had commented on the proposals and also through having been educated at the school, as had Councillor Castle's daughter

Councillor Chastney declared personal interests through being a member of the Far Headingley Village Society which had been consulted on the application and as a member of North West Inner Area Committee when previous proposals were presented to Panel in October 2009

Councillor Matthews declared personal interests through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals and as a member of North West Inner Area Committee when previous proposals were presented to Panel in October 2009

Application 09/00856/FU – Former Glassworks Cardigan Road LS6 – Councillor Matthews declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 28 refers)

Application 10/02221/LA – Mistress Lane Armley LS12 – Councillor Matthews declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 29 refers)

Application 10/02221/LA – Mistress Lane Armley LS12 – Councillors Coulson and Harper declared personal interests as members of West Leeds Gateway (WLG) as the site was within the area covered by the WLG Area Action Plan (minute 29 refers)

Application 10/02227/LA – Haworth Court Chapel Lane LS19 – Councillor Matthews declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 30 refers)

(further declarations of interest were made later in the meeting – minutes 25 and 27 refer)

23 Minutes

RESOLVED – That the minutes of the last meeting held 15th July 2010 be agreed as a correct record

24 Election of Chair

(Having declared personal and prejudicial interests, Councillor Taggart withdrew from the meeting)

Councillor Janet Harper was nominated to chair the following item, in Councillor Taggart's absence

25 Applications 08/04214/OT; 08/04216/FU; 08/04217/CA; 08/04219/FU and 08/04220/LI - Residential Development at Leeds Girl High School, Headingley LS6

Councillor Janet Harper in the Chair

Further to minute 37 of the Plans Panel West meeting held on 1st October 2009 when Panel considered a position statement on proposals for the redevelopment of the former Leeds Girls High School site, Headingley Lane LS6, Members considered the formal applications. Appended to the report was a copy of the report considered by Panel at the meeting in October 2009

The Chair stated that due to the level of interest in the application and the number of representations which had been received on the proposals, it had been decided on this occasion to vary the speaking protocol to allow three objectors to address the Panel, with the applicant's agents having the equivalent amount of time to put forward their case to Members

Plans, photographs, drawings 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 related to 5 applications, these being:

- an outline application for residential development of 51 houses and 15 flats
- a full planning application for change of use and extension of the main school building and stable block to form 32 flats and 4 terrace houses
- change of use application for the listed Rose Court building to form 12 flats
- listed building application for Rose Court
- Conservation Area application for demolition works

Minor revisions to the scheme had been undertaken which resulted in 4 fewer dwellings being proposed and an increase in the number of car parking spaces; these being 2 spaces per family dwelling and 1 space per flat. Disabled parking provision would also be included. With the 1 dwelling in Rose Court Lodge and 2 dwellings within the existing North West Lodge, a total of 117 dwellings were now proposed on the site

Members were informed that the main planning issues related to the principle of housing development/ loss of protected playing pitches; design issues and impact on the character and appearance of this part of the Headingley Conservation Area and the setting of the listed building; highways issues; residential amenity issues and developer contributions

In terms of the principle of housing development, planning guidance required LPAs to encourage residential development in sustainable locations, with Officers stating that the site was in a highly sustainable location with good public transport links. The vacant buildings required a new use and given the location of the site and nature of the area in which it was sited, residential use which would deliver family housing in the Area of Housing Mix was considered to be appropriate

The scheme would bring back into use the listed Rose Court, would preserve the most attractive elements of the 1905 main school building and provide public open space to land which had not previously been publicly accessible

Relating to the loss of protected playing pitches, Officers stated that the facilities which would be lost were two sets of tennis courts, one set which had been in regular use by the school; the other set having more recently – up to the closure of the school in 2008 - been used by the school for overflow car parking. There was also an open grassland area which had been used as informal recreational space by pupils during breaks and lunchtimes

Once the closure of the school had been announced in 2006, the Panel was informed that Officers had discussed the possible use of the playing pitches with a range of organisations including the Council's Parks Department; colleges and both universities to establish whether there was interest in using these facilities, but this had not been forthcoming. Whilst interest had been expressed by a group of local primary school headteachers

and governors seeking to address the lack of outdoor play areas for local school children, Education Leeds, although sympathetic, had raised management and safety concerns at the proposals and in view of this, the interest had not been pursued further

In terms of the greenfield element of the site, Policy N6 was relevant and having considered this, Officers were of the view that criteria i) of this policy applied which related to the provision of suitable replacement pitches; these pitches being located at Manor House Lane, LS17 adjacent to the Grammar School at Leeds site

On the issue of locality, Officers accepted that the former school site and its new location were 4 miles apart but were in the north/north-east part of the city. Also, as the school was a private school it was felt that its catchment area could be considered to be much wider than a community school

Sport England considered the proposals to be acceptable in line with their policy E4 and PPG17 which required replacement pitches to be of an equivalent or better quality. As the main playing pitch on the former school site comprised two tennis courts and the facilities at Manor House Lane were over 6 hectares in area and provided for a wide range of sports with community access, it was felt this was adequate compensation for the loss of the courts. In addition, arrangements were in place for public access to those facilities whereas there was no public access to the courts at Leeds Girls High School

Concerning Ford House Gardens, Members were informed that the landowner had agreed to lease this 0.5 hectare area of land for the use and benefit of the Headingley community. As the landowner was a charitable organisation it was not possible to gift the land to the Council. Instead, a ten year licence was proposed which would enable the enjoyment of this previously inaccessible area of land for at least 10 years, with the possibility of the land being offered to the Council in perpetuity, if an acceptable scheme came forward on the Victoria Road site and was granted planning permission

In relation to design issues, the Panel was informed that a high quality scheme was required for the site. In terms of the outline application, an image showing the scale and massing of the scheme was displayed and reference was made to the proposals on the south west corner of the site, particularly the 4 storey block which would comprise flats

Revisions to the previous proposals had been made which resulted in the proposed unsympathetic flat roof extension on the listed Rose Court no longer being retained. Elements of the impressive 1905 main school building would be picked up in the architecture of the proposed flats and a landscaped public open space which would create a Georgian square would enhance the character and appearance of the Conservation Area

Regarding highways matters, Officers stated the proposals would close the current poor vehicular access on Headingley Lane and provide safer access points. There would be two principal means of access; these being the existing access on Victoria Road which would be improved and the creation of a new access also from Victoria Road. The existing access which served the lodge building would be retained. Improved pedestrian and cycle access through a link from Victoria Road to Headingley Lane would be provided, which would also be vehicle free

The applicant would be expected to enter into a Section 106 Legal Agreement to provide a range of developer contributions, including £81,571 toward public transport improvements. On affordable housing, an innovative approach was being proposed whereby the usual 15% of affordable housing would be provided by way of a commuted sum which would be used to buy back some of the HMO properties in Headingley in order to return them to family housing and help address the issue of housing mix. In the event this was not feasible then the affordable housing would be provided on-site, in the form of a pro-rata mix of dwelling types to achieve the 15% normally required

A high level of representations on the proposals had been received - 1335 letters including representations from a range of organisations; Elected Members and Greg Mulholland MP. The comments of local Ward Members, Councillors Martin Hamilton and James Monaghan were read out and reference was also made to objections received from Councillors Atha and Illingworth. Officers reported the receipt of objections from the North West Inner Area Committee planning sub group, particularly at the short notice of the advertisement of the applications and the Panel meeting being held in August at the start of Ramadan

Officers summarised the main points of the applications and recommended them to Panel, however as Sport England had not formally withdrawn their statutory objection, Officers requested the applications be deferred and delegated to the Chief Planning Officer subject to the conditions set out in the submitted report and additional conditions relating to provision of highway works and footpaths to be to adoptable standards; the number of units not to exceed those shown on the individual plans; time limit of 3 years for submission of Reserved Matters, 5 years for implementation; provision of disabled access details and for a survey of gates, piers, steps and railings to be carried out and a scheme for their retention and restoration to be approved and implemented

The Panel heard representations from three objectors and the applicant's agent who attended the meeting and noted the comments made which included:

- a failure of the proposals to meet the requirements of the Community Planning Brief produced by objectors
- the loss of playing fields despite the offer by local schools to utilise these for the benefit of their pupils
- the demolition of a considerable proportion of the main school building
- the lack of garden space in the area and the need for public recreation areas which would benefit the local community

and from the applicant's agent

- that the applicants had addressed all of the issues in the Community Planning Brief apart from the playing fields aspect and if approved, the development would enable people to see these buildings where this had previously not been possible and to enjoy the area of public open space

Members commented on the following matters:

- the lack of detail in the outline application to enable a considered decision to be given to the proposals
- the intention to include flats on the site as opposed to large scale family housing which was needed and concerns that more flats would further increase the transient community in the area
- concerns at the height of the 4 storey element and the possibility of overdominance, particularly to the openness of the landscaped area in the scheme
- that the balustrades at the front of Rose Court should be retained and reinstated to their original form
- concerns at the loss of trees on the site
- concerns at the extent of the demolition of the main school building
- concerns that a period of 10 years for the guaranteed use of Ford House Gardens was not long enough
- That Members were very dissatisfied with the loss of the playing pitches in this area of Headingley and the proposals for their replacement with pitches outside of the immediate locality which would not be easily accessible to the Headingley community
- the lack of play area facilities for local schools; that the application afforded the opportunity to remedy this and that the expression of interest in taking over the playing pitches by a group of local schools should not be dismissed due to the concerns raised by Education Leeds
- that the previous report had indicated that Highways Officers could not support the proposals
- the impact of the proposals on both Victoria Road and the junction with Headingley Lane which was a cause for concern due to the high volume of traffic the area experienced
- whether the highway proposals would provide sufficient turning space for emergency and refuse vehicles
- affordable housing, with mixed views on the proposed method of dealing with this
- that the timing of the application being brought to Panel seemed rushed in view of some matters which appeared not have been satisfactorily resolved

(Councillor Matthews declared a personal interest as a Governor at Springbank Primary School)

The Panel considered how to proceed

The Head of Highways Development Services referred to the plan which had been tabled at the meeting and made the following comments:

- that the report considered by Panel in October 2009 had referred to a wider development but due to the withdrawal of the former Sports Hall from the scheme, no additional highways measures were required

- that there had been concerns about the access road but that the submission of the revised plan showed an increased road width which Officers were satisfied with. Similarly, revised drawings had been submitted to demonstrate the turning head for refuse and emergency vehicles but it was accepted that it was not possible for 2 vehicles to pass at this point
- in terms of the highway issues at Victoria Road, that during the lifetime of the application, Highways Officers had amended and implemented a new scheme on Victoria Road and that the 'Keep Clear' road markings associated with the school would be removed
- that the NGT proposals would address the Victoria Road/Headingley Lane junction and that Officers could only address the highways issues raised by the applications before Panel. Officers were satisfied that no additional traffic would be on the highway network as a result of these proposals

The Chief Planning Officer, who was in attendance, provided the following comments

- that it would be possible to defer the outline application if Members required more detail on the 4 storey block
- that 15% affordable housing was being offered but that due to the level of HMO properties in the area, many of which were vacant, there was an opportunity to purchase a number of these to return them to family housing, with a fall-back position, in the event this could not be achieved, of securing 15% on-site affordable housing
- regarding the timing of the application being brought to Panel, this was in response to a request from the applicant seeking for the applications to be determined. Members were also informed that there was pressure from the applicants to lodge an appeal against non-determination. On this matter, the Chief Planning Officer stated that if the applications were determined by an Inspector, the outcome might be less favourable in terms of what Officers had been able to secure. He also advised that the financial pressures faced by the school were not a reason for determining the applications. These should be determined on planning grounds alone
- that a written response would be provided to Councillor Illingworth to the points he had recently raised on the application, but that the Chief Planning Officer was not of the view that there was a direct relationship between the health of existing residents and the planning applications before Members and that in terms of equality issues, conditions requiring provision of disabled access were included as was the requirement for affordable housing. Other aspects of disabled access would be addressed by Part M of the Building Regulations

As a way forward in view of the comments which had been made, it was suggested that Panel indicate the areas it would like Officers to pursue with the applicant

RESOLVED - That determination of the applications be deferred and that the Chief Planning Officer be asked to submit a further report to the next meeting to include additional information relating to:

- the 4 storey block; its height and relationship to the surrounding area
- the density of the site
- the extent of the demolition of the main school building
- the length of time for the lease of Ford House Gardens
- the loss of open space/playing pitches
- highways matters

(Following consideration of this matter Councillor Taggart returned to the meeting and resumed the Chair)

26 Application 10/02354/FU - Alterations to attached garage including new raised roof forming store above, 11 Horton Rise, Rodley LS13

Plans, drawings and photographs were displayed at the meeting
Officers presented the report which sought permission to raise the height of the existing garage at 11 Horton Rise Rodley LS13 by 1.2m and include four rooflights

Members were informed that there were a mix of house types in the street scene and because of this, Officers considered that the proposals would be acceptable in this area

The Chair informed the Panel that as a Ward Member for the Bramley area this matter was sought to be raised at one of his surgeries. However before any explanation of the proposals could be made, Councillor Taggart had stated that he could not be involved through being the Chair of the Panel which would consider the application

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

27 Application 10/02052/EXT - Extension of Permission of Application 26/564/04/FU for change of use involving part demolition and 2.5 storey extension to side to form 14 flats, Escher House, 116 Cardigan Road, Headingley LS6

(Prior to consideration of this application, Councillor Chastney withdrew from the meeting having declared personal and prejudicial interests through knowing one of the objectors who had registered to address the Panel)

Plans, photographs and graphics were displayed at the meeting
Officers presented the report which sought an extension of time for a previously approved application 26/564/04/FU for the change of use of 116 Cardigan Road from offices to flats

Members were informed that for applications seeking an extension of time, only material planning changes could be considered

The main changes in planning circumstances were set out in the submitted report. Members were informed that the building was well screened and the flats would be barely visible from the streetscene

A Section 106 Legal Agreement would prevent occupation of the flats by students. An off-site greenspace contribution was also being requested and although this had been queried by the applicant, the Officer's recommendation for approval was on the basis that this sum would be provided and in the absence of this contribution, permission would be refused

As there had been no significant change in planning circumstances since the previous approval, Officers were recommending the application for approval

The Panel heard representations from two objectors who attended the meeting

Members discussed the following matters:

- how the restriction on use of the accommodation by students could be enforced in view of the difficulties which had been experienced in enforcing such a condition at a nearby property
- the lack of provision for visitor car parking
- that the lack of car parking within the scheme would lead to on-street parking in surrounding streets as Cardigan Road could not be used due to the heavy traffic levels which already occurred there
- that the carbon footprint of developments should be taken into account
- that the flats were sited in an area with good public transport links

The Head of Planning Services stated that the S106 Agreement relating to the restriction of use of the accommodation by students was the means by which the High Court could enforce this and that it was stronger than a planning condition. Whilst the situation was likely to be strengthened through the Core Strategy, at the moment a legal agreement was the strongest mechanism which could be used

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report (plus any others which he might consider appropriate) and the completion of a legal agreement within 3 months following Panel, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- off-site greenspace contribution - £32,324.13
- flats will not be occupied by students

(Following consideration of the application, Councillor Chastney resumed his seat in the meeting)

28 Application 09/00856/FU - Part 4, 5 and 6 storey block comprising 65 student cluster flats, with 154 bed spaces, car parking and landscaping, former Glassworks, Cardigan Road, Headingley LS6

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which related to a student housing development on the site comprising 65 student cluster flats with 154 bed spaces at the former Glassworks, Cardigan Road Headingley LS6

Members were informed that a previous student housing development on the site for 256 bed spaces had been refused by Panel at its meeting on

21st February 2008, against the Officer's recommendation (minute 187 refers). An appeal which had been lodged following refusal of that application had been dismissed by the Planning Inspector

An extant permission for a residential scheme for 86 flats on the site remained until March 2012. Members were informed that the total number of bed spaces for that development was 140. As that permission was not restricted by condition in terms of occupancy, it was the applicant's view that this was a legitimate fall-back position, ie that the development could be built and then let to students. Officers stated that they had concerns about how real the fall-back position was as there were doubts as to the viability of the approved scheme and so it should be accorded limited weight. If Panel accepted the fall-back case put by the applicant then it would need to consider the difference in the current application, ie 34 bed spaces

The scheme before Panel had been designed to mirror the approved scheme although it would include additional amenity space as less parking was proposed as the scheme was for student use

Officers were of the view that the presence of 154 students on the site would have a detrimental impact on the area and a reason for refusal of the application relating to this was included in the submitted report, for Members' consideration

Members commented on the following matters:

- that reference to the Kirkstall Ward should have been included in the report
- policy H15 and the need to ensure there was an appropriate housing mix
- the size of the development and the intention for additional student housing to be built in an area which could not accommodate further students

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

The Local Planning Authority considers that this proposed student development will be detrimental to the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area, contrary to the main thrust of Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion

29 Application 10/02221/LA - Outline application for residential development on land off Mistress Lane, Armley LS12

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought outline permission for a PFI residential development with additional care options for people aged 55 and over on a gateway site into Armley on Mistress Lane LS12

Whilst the outline application sought approval of the means of access only, further details of the proposals were provided, for Members' information, these being:

- three blocks of accommodation, two blocks being 3 storeys in height and one 6 storey block
- car parking, including some undercroft parking
- enhanced greenspace
- sustainable development with a BREEAM 'Very Good' rating required to be achieved

Members were informed that 40 additional car parking spaces were required for residents of the adjacent tower blocks which would be retained

Officers were reminded of the need to consult with Ward Members on the design of the proposals and to ensure that sufficient on-site car parking was provided

RESOLVED - That the application be granted subject to the conditions set out in the submitted report (and any other conditions/direction that are deemed appropriate)

30 Application 10/02227/LA - Outline Application for residential development comprising of C2 (Residential Institution), Haworth Court, Chapel Lane, Yeadon LS19

Further to minute 29, above, the Panel considered a similar scheme at Haworth Court, Yeadon LS19

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and stated that the proposals were for a PFI scheme providing residential accommodation with additional care facilities for people aged 55 and over

Currently there was a sheltered housing complex of 45 units on the site which would be demolished, with a similar sized development replacing this, comprising a 60:40 mix of 2 bed and 1 bed flats

To enable the existing residents to be rehoused, a 4 year permission was being sought for the outline application

Members welcomed the proposals and commented on the following matters:

- the need for the scheme to be well designed
- why the minimum age limit was 55 and whether in the case of couples, whether just one partner needed to be 55 or above. Officers advised that this was part of a PFI which was geared towards providing housing for older people and the criteria for the funding was based upon the minimum age of residents being 55. In terms of couples, provided that one person fell within the age requirement, it would be possible for a younger partner to qualify for the accommodation

The Head of Planning Services stated the need to ensure consistency of conditions between this scheme and the one at Mistress Lane LS12

RESOLVED – That the application be granted subject to the conditions set out in the submitted report (and any other conditions/direction that are deemed appropriate)

31 Application 10/01298/EXT - Extension of time to permission for planning application to erect 9 retail units (Class A1) and 3 food & drink outlets (Class A3 - A5), British Home Stores site, Bridge Road, Kirkstall LS5

Plans and photographs were displayed at the meeting

Officers presented the report which sought an extension of time for an application which was allowed on appeal for 12 units 9 (A1) use and 3 (A3-5) units at the British Home Store site at Bridge Road Kirkstall LS5

Members were informed that as the proposal was unchanged the Panel could only have regard to any changes in material planning circumstances which had taken place since the appeal decision in 2008

Officers stated that:

- PPS4 had been published since the appeal decision which encouraged vitality and viability of town centres and promoted new economic growth. It was the view of Officers that the application complied with PPS4.
- that changes to the local highway network had been addressed in an updated transport assessment and that only some minor additional off-site highway works would be necessary, which the highway authority were considering
- the Community Infrastructure Levy (CIL) was now in force and that it was considered that the Section 106 agreements complied with the CIL regulations and the three legal tests

RESOLVED - To defer and delegate for Section 106 Agreement, the submission and monitoring of a Travel Plan, funding for off site landscape works, funding for the improvement of public transport and/or public transport infrastructure and subject to the conditions set out in the submitted report

32 Application 10/01604/OT - Outline application for the erection of 6 houses to vacant site, former Britannia Bowling Club, Intake Road, Pudsey LS28

Plans, drawings and photographs were displayed at the meeting

Members considered a report of the Chief Planning Officer seeking outline approval for the erection of 6 houses to a vacant site at the former Britannia Bowling Club Intake Road Pudsey LS28

Officers presented the report and stated that as the proposals involved the redevelopment of part of a protected playing pitch, this had to be considered against Policy N6 and in this respect Officers were of the view that exception i) of this policy applied as there would be a net gain to overall quality and provision of pitches resulting from the development

Members were informed there was no identified shortfall of facilities in the local area and that if the application was agreed, funds would be generated for improved bowling facilities at Pudsey Park and improved cricket facilities at Pudsey Congs Cricket Club ground

If minded to approve the application a further condition was suggested to address possible noise nuisance

Panel discussed the application and was informed that whilst much effort had been made to retain the bowling club, the site was currently experiencing anti-social behaviour with regular police patrols being needed

and that the benefits of the funding for improved sports facilities would be invaluable to the local community

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; an additional condition requiring the submission of a noise assessment and details of any mitigation measures being provided at the Reserved Matters stage (and any others he might consider appropriate) and the completion of a S106 Legal Agreement, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1 commuted sum of £21,312 for improvements to Pudsey Park Bowling Green
- 2 reinvestment of receipt from the sale of the site (less fees and above commuted sum) into improvement of facilities at Pudsey Congs Cricket Club ground

33 Date and Time of Next Meeting

Thursday 9th September 2010 at 1.30pm in the Civic Hall, Leeds