

NORTH AND EAST PLANS PANEL

THURSDAY, 25TH JUNE, 2015

PRESENT: Councillor N Walshaw in the Chair

Councillors R Grahame, M Harland,
C Macniven, J Procter, B Selby,
S McKenna, A McKenna and P Wadsworth

14 Chair's opening remarks

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

15 Late Items

There were no late items

16 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest. However, in respect of Application 14/03109/OT – Former Miami Building Lotherton Way Garforth - Councillor Andrea McKenna brought to the Panel's attention that she had previously commented on the application prior to being appointed to North and East Plans Panel in the 2015 Municipal Year, and for the avoidance of doubt about whether she had or had not a closed mind in relation to the application, she would leave the room during Panel's consideration of this matter (minute 22 refers)

17 Apologies for Absence

Apologies for absence had been received from Councillor Cleasby and Councillor Wilkinson

18 Application 11/03908/FU - 12 Church Lane Swillington LS26

The Panel's Lead Officer requested that the report be withdrawn from the agenda as there were some inaccuracies in the report, particularly in relation to policy matters

RESOLVED - That the report be withdrawn from the agenda and that a further report be submitted in due course

19 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 28th May 2015 be approved

20 Matters arising

Applications 15/00771/FU and 15/00772/LI – Ledston Hall

With reference to minute 10 of the North and East Plans Panel meeting held on 28th May 2015, where Panel considered proposals for a residential scheme together with an energy centre at Ledston Hall, a Grade I Listed Building, further concerns were raised about the condition of the Listed Building and why it had been left to deteriorate. The Chair advised that further information on this could be provided to Councillor R Grahame

Preapp/15/00260 – Proposals for a Maggie's Centre at St James Hospital LS9

With reference to minute 12 of the North and East Plans Panel meeting held on 28th May 2015, where Panel considered pre-application proposals for the development of a Maggie's Centre close to the oncology unit at St James Hospital, concerns were raised about the parking issues associated with the proposals. Members were informed that the formal application had been submitted and that a meeting involving Ward Members, Planning and Highways Officers would be arranged to consider the proposals and the impact on local parking conditions

Application 15/00203/FU – 13/15 Parkside Road Meanwood LS6

With reference to minute 8 of the North and East Plans Panel meeting held on 28th May 2015, where Panel deferred determination of the application for part demolition of existing buildings and erection of three terraced houses with parking, to enable further discussions to take place on a reduced scheme, in view of Members' concerns, the Panel's Lead Officer advised that the applicant had now lodged an appeal against non-determination and therefore it would be for a Planning Inspector to determine the application. In view of the issues raised by Panel when considering the proposal, clarity was sought on the grounds on which the Council would contest the appeal, with Panel agreeing this should be contested on the grounds of overdevelopment and overlooking

56 The Drive Crossgates LS15 – update

Members were informed that this application had last been presented to Panel in July 2014, where it was recommended for approval and that a Unilateral Undertaking which had been offered by the applicant, set out timescales for the building work to be carried out. Members were informed

that the timescale expired on 24th June 2015 and that the work had not been completed, with the property currently not having a roof or front bay. The Council would now serve notice to demolish the property in line with that Unilateral Undertaking, which required to demolish the house within two months. After that time, if the works had not been completed, the Council could enter on to the land, carry out the works and seek reimbursement

The Panel discussed the situation with the following issues being raised:

- why the works had not been undertaken. Members were informed that a period of 7 months had been agreed with the applicant; that there had been a considerable amount of activity on site recently but that unforeseen issues had arisen relating to the lift shaft and how this was affecting other elements of the structure
- the percentage of works carried out so far, with Officers of the view around less than 50% of the necessary works had been completed
- the timescales agreed for the works, with concerns these were tight

The Head of Planning Services advised that further reports were likely to be presented to Panel as the situation evolved

Members requested that a detailed report be submitted to the next meeting and that a Members site visit should also take place to enable the Panel to see how works had progressed

21 Application 15/00889/FU - Single storey side and rear extension - 8 Kings Mount Moortown LS17

Further to minute 11 of the North and East Plans Panel meeting held on 28th May 2015, where Panel deferred determination of an application for a single storey side and rear extension at 8 Kings Mount LS17, to enable discussions to take place with the applicant to seek to reduce the bulk of the extension, the Panel considered a further report of the Chief Planning Officer

Plans, photographs and drawings were displayed at the meeting

Members were informed that the applicant wished to have the scheme determined as submitted, with the proposals being outlined again for Members' information. Whilst the recommendation before Panel was to grant planning permission, Officers had noted the concerns raised by Panel and had included a reason for refusal of the application, for Members' consideration, subject to the deletion of the 'from' on the third line

The receipt of a late representation objecting to the scheme from a local Ward Member was reported

Members discussed the application with policy issues in respect of space about dwellings being raised and clarified by the Panel's Lead Officer

The Panel considered how to proceed

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

The bulk and massing of the proposed extensions is considered too large and will result in a detrimental impact on the amenities of occupiers of

the neighbouring property by reason of loss of outlook and overbearing impact on their private rear garden space, these being amenities that occupiers of this property can reasonably expect to continue to enjoy. As such the proposal is considered contrary to Policy P10 of the Core Strategy, saved policies GP5 and BD6 of the Unitary Development Plan (Review) 2006 and to the advice given in the SPG Householder Design Guide and to advice in the National Planning Policy Framework on good design

22 Application 14/03109/OT - Outline application for the demolition of the existing building and erection of a foodstore, petrol filling station, car parking, means of access and associated works - Former Miami Building Lotherton Way Garforth LS25

Prior to consideration of this application, Councillor A McKenna, withdrew from the meeting

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

Officers presented the report which sought Panel's approval in principle for outline planning permission for the demolition of the existing building – known as the Miami Building – and the erection of a foodstore, petrol filling station, car parking, means of access and associated works

Details of alternative employment sites in the surrounding area were outlined, with Members being informed that the adjacent site was now proposed to be retained as Green Belt

In relation to highways issues, a road safety audit would be required for the road junctions proposed in the revised highways scheme which had been submitted. The highways scheme would also deliver benefits beyond the site

Whilst an end user for the proposed supermarket had not been indicated, due to the size of the site, Officers were of the view that it would be suitable for any of the main four supermarket retailers and possibly for some of the other operators, i.e. the budget retailers, although a smaller footprint might be expected in that case

The receipt of additional representations were reported, with the comments received from Councillor M Dobson; two local residents and the owner of several business premises on Main Street Garforth, being outlined to Panel

If minded to agree the Officer's recommendation, a further condition was proposed which related to sustainability in respect of construction and use of the development, going forward

The Panel then heard representations from an objector who outlined his concerns about the application, which included:

- viability
- the sequential test which had been carried out and the robustness of this
- the impact assessment which had been carried out and the view this was not realistic
- loss of employment land
- the demand locally for modern, industrial units

- the existence of an alternative site for the proposals

The Panel then heard from the applicant's agent who highlighted issues relating to the proposals, which included:

- that discussion and engagement on the scheme had been ongoing for two years
- the extensive public consultation which had taken place on the proposals and the high levels of support for the scheme
- the benefits the scheme would bring in terms of job creation; the regeneration of the site; more consumer choice and highway improvements
- the lack of demand in the market for the existing industrial unit and the existence of more preferable and suitable industrial sites

The Panel discussed the application, with the main issues raised relating to:

- the retail impact assessment and whether this had been independently assessed. Members were informed this had been assessed in-house
- the likely tenant and whether Tesco was considering the site for a relocation of their existing store. The applicant's agent advised that positive discussions had taken place with two operators but for commercial reasons further details could not currently be provided. The applicant's agent stated that no discussions had taken place with Tesco
- the approach for securing the best outcomes for local jobs and that these outcomes could differ depending upon the supermarket operator. Members were informed that agreed wording regarding employment and training would be included within a S106 Agreement, to be agreed as part of the delegation of the approval of the application to the Chief Planning Officer, as set out in the submitted report. The Chair requested that details of the jobs being created should be submitted to Panel and a suggestion to condition the employment proposals was made. The Head of Planning Services stated that tying down the employment elements of the scheme could be dealt with in either way, although including this in the S106 was more legally binding

RESOLVED - To defer and delegate to the Chief Planning Officer for approval subject to the conditions outlined in the submitted report, an additional condition for the submission for approval of measures to achieve a sustainable build; the submission of a highways safety audit of the revised junction arrangement; the expiry of the publication period, this being the end of 25th June 2015 and no new representations being received that raise significant new planning issues and the completion of a S106 agreement to cover the following:

- improvements to local bus stops (x2), comprising shelters, real time information, accessibility kerbing and associated lining
- travel plan monitoring fee of £2,500

- employment and training initiatives (applies to both the construction phase and once operational) with a further report being submitted to Panel detailing this element

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

Following consideration of this matter, Councillor A McKenna resumed her seat in the meeting

23 Application 15/02121/FU - Change of use of houses (C3) to form educational facilities and cultural learning centre (D1) - 15 and 17 Sandhurst Road Harehills LS8

Plans, drawings and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day, although Members had only been able to access the premises at 15 Sandhurst Road

The East Deputy Area Planning Manager presented the report which outlined the application which sought to retain the use of two mid-terraced dwellinghouses as a children's educational and learning centre

The retrospective application was outlined to Panel together with the recommended reasons for refusal of the application, as set out in the submitted report

The receipt of further representations was reported, these consisted of a late objection sent on behalf of local residents; a 21 signature petition objecting to the proposals and additional information from the applicant's agent referring to a 124 signature petition in support of the planning application; concessions to restrict attendance at the facility to children from within walking distance; reference to a fire safety audit letter from West Yorkshire Fire and Rescue Service relating to No. 15 Sandhurst Road and correspondence concerning requests to hire space for the facility in alternative premises. Reference was also made to a conflict of interest in respect of one of the objectors

Although Officers were of the view that the application should be refused as the properties were not considered suitable for the use, Officers were sympathetic to the use and considered there could be flexibility in terms of timescales for the cessation of the use and that assistance could be given to help find alternative accommodation for the facility

The Panel heard from the applicant's agent who provided information to Members, which included:

- issues of noise and disturbance impacting on residential amenity and that these had not been evidenced
- that an acoustic report could be provided
- the willingness to only accept children who lived within walking distance
- that the Council had not engaged with the applicant
- that the service was needed and there was support for it
- that a no car policy could be operated

Through questions by Members to the applicant's agent, the following additional information was provided:

- that restrictions regarding attendance could be monitored by reference to the children's addresses
- that each room in the house was in use at all times when the premises were being used
- that the premises were an out of school club and operated 2 sessions of 2 hours duration for 100 pupils per session
- that the sound system in operation did cause some concern and that it was reasonable to require this not to be used
- that the West Yorkshire Fire and Rescue Service was satisfied with the current situation, subject to a few alterations

The Panel then heard representations in support of the recommendation from a local resident, who highlighted concerns, which included:

- parking problems associated with the premises
- the existence of alternative premises close by which could accommodate this use
- the steep nature of the staircase to the upper floors of the premises with concerns relating to health and safety issues, especially fire safety concerns
- noise disturbance from the sound system which as well as being used for traffic management, was also used for religious/educational purposes

The Panel discussed the application, with the main issues being raised relating to:

- the lack of toilet facilities for the numbers using the premises
- the highway impacts of the use
- fire safety concerns in view of the steep staircase to be negotiated in the event of an emergency
- the content of the letter referred to by the applicant's agent from West Yorkshire Fire and Rescue Service. Members were informed this letter was dated November 2014 and set out the deficiencies found following a fire safety audit of No 15 Sandhurst Road and the measures required to address these deficiencies, which related to escape routes; fire doors; maintenance and testing of fire safety equipment and practical fire training and drills. The letter also suggested that up to 60 people could use the property at any one time
- that West Yorkshire Fire and Rescue Service, although not a statutory consultee should, in this case, have been invited to comment on the proposals
- the size of the rooms and the arrangement of wires suspended through them
- health and safety concerns, both in the event of having to evacuate the building, especially from the upper floors and the

safe management of 100 children in what was a busy, congested street

- issues of noise and disturbance
- the nature of the buildings and that in their current form, they could not be made to comply with the Disability Discrimination Act. Whilst this was an important issue, the Chair advised it was not part of the consideration of the planning application

In view of the comments made by Members, the Head of Planning Services was of the view that discussions would need to take place with colleagues in Building Control and that urgent action should be taken to secure the cessation of the use. The Head of Planning Services was asked to e-mail the Panel with an update on the situation within seven days

In view of other similar schemes which had been presented to Panel, it was requested that a report be submitted to Joint Plans Panel relating to the development of a policy concerning cultural and education facilities in residential areas

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

1 The Local Planning Authority considers the development to represent an over intensive use of the application properties which results in a high level of activity and associated comings and goings, including vehicle movements and accordingly has a significant detrimental impact on the living conditions of nearby residents through noise and disturbance. Accordingly, the development is contrary to the adopted Core Strategy (2014) policy P9, saved UDP Review (2006) policy GP5 and the general guidance within the NPPF which seeks to ensure development proposals do not adversely impact on and are appropriate to their surroundings

2 The Local Planning Authority considers the scale of the use attracts significant vehicle movements to the site and a demand for parking which cannot be accommodated thereby resulting in indiscriminate parking along Sandhurst Road which is already heavily parked to the detriment of the free and safe operation of the local highway network. The development is therefore contrary to adopted Core Strategy (2014) Policy T2 and saved UDP (Review 2006) policies GP5 and T24 and the guidance contained within the NPPF which seeks to ensure the highway impacts of development are acceptable

24 Application 14/05876/FU - Installation of ground mounted photovoltaic panels and associated infrastructure - Two Hoots Farm Harewood Avenue Harewood

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

The Panel's Lead Officer presented the report which sought approval for the installation of a 150kW ground mounted photovoltaic (pv) array consisting of 654 pv panels on a site located within the Green Belt and a Special Landscape Area (SLA), at Two Hoots Farm Harewood

The policy context of the proposals was outlined, with Members being informed that the NPPF encouraged the delivery of renewable energy sources and that substantial weight should be given to that. The site was also located in the Green Belt and as such was not a use which was considered to be acceptable, unless very special circumstances were demonstrated to outweigh the harm to the Green Belt through inappropriate development. In this case also, the landscaping impact related to the SLA, which also carried weight

The proposal was outlined and details of the proposed tree planting to help screen the panels was provided. It was accepted that there would be clearer views into the site during the winter months, due to leaf loss, however the additional planting would create a natural woodland of varying heights over time

In considering the application, Members were advised they would need to consider the harm to the Green Belt - taking into account that the proposal did impact on openness, however it was a relatively small scale scheme; views to it were limited and that additional screening would be provided. In addition the permission was temporary for 25 years, this being the life span of the equipment. Consideration should also be given to the renewable energy provided through the proposals and the Government's focus on renewable energy as set out in the NPPF

It was confirmed that Leeds Bradford International Airport had advised they had no objection to the application. A correction was made to paragraph 10.6 of the submitted report, with Panel being informed that the applicant had submitted a statement to address the impact on the SLA

The Panel discussed the application with the main issues being raised relating to:

- whether the scheme would benefit from Government subsidies
- work being undertaken on the mound. Members were informed this was being investigated by the Council's Minerals Team as the work being carried out on this had not received approval
- impact of the proposals on the sheep
- the need for further information to be provided to Panel about electricity generation from such schemes; how excess energy which was produced was sold to the National Grid and background information on solar panel technology, to better understand what was being proposed
- the planning history of the site, with concerns that the whole history had not been included in the report before Panel and that this needed to be
- the existence of a previous condition attached to a planning approval which specified the land was to be used for the spreading of slurry and the need for clarification of this and how it related to the scheme now proposed. The Panel's Lead Officer was of the view that such a condition did not necessarily prejudice the decision the Panel had to make, with this view being disputed
- the need for the Agricultural Surveyor's view on the application
- possible alternative, more suitable sites for such a scheme
- the visual impact of the proposals

In view of the issues which had been raised and the request for additional information it was proposed to defer determination of the application to the next meeting

RESOLVED - To defer determination of the application for one cycle to enable a detailed planning history and enforcement history of the site to be provided; together with details of any conditions attached to planning permissions for the site which could be affected if the current application was approved; the view of the Council's Agricultural Surveyor on the application and information relating to pv technology, electricity generation from such sources and the mechanics of the sale of surplus energy for third party use

25 Date and Time of Next Meeting

Thursday 30th July 2015 at 1.30pm in the Civic Hall, Leeds