

NORTH AND EAST PLANS PANEL

THURSDAY, 19TH JUNE, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors M Harland, C Macniven,
J Procter, G Wilkinson, M Lyons,
B Cleasby, S McKenna, C Towler and
M Coulson

1 Election of Chair

In the absence of Councillor Charlwood, nominations to chair the meeting were sought

RESOLVED - That Councillor J McKenna be nominated to chair the meeting

Councillor J McKenna in the Chair

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

2 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

3 Apologies for Absence

Apologies for absence were received from Councillor Charlwood, Councillor Selby, Councillor R Grahame and Councillor Cohen. Councillor J McKenna, Councillor Towler and Councillor Coulson were substituting for their respective colleagues

4 Minutes

RESOLVED – That the minutes of the North and East Plans Panel held on 15th May 2014 be approved

5 Application 13/03606/FU - Land and Buildings adjacent to Devonshire Lodge Devonshire Avenue LS8

The Panel's Lead Officer sought agreement of the Panel to withdraw the report on the agenda relating to a retirement housing development at

Draft minutes to be approved at the meeting
to be held on Thursday, 24th July, 2014

Devonshire Lodge as incorrect figures had been included in the report which, Members were informed, could have implications for the understanding of the scheme

RESOLVED - That the report be withdrawn from the agenda and a further report be presented in due course

6 Application 12/03198/FU - Variation of conditions 9 and 18 of application 09/01417/FU regarding opening hours and use to include a nursery/pre school - New Horizons Community School Newton Hill Road LS7

With reference to minute 85 of the North and East Plans Panel meeting held on 19th December 2013, where Panel deferred consideration of an application for variation of conditions relating to hours of opening and use, to enable clarification on the nature of the use of the premises as a nursery, Members considered a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting

Officers presented the report and drew attention to an error at paragraph 2.2, with Bank Holidays having been missed off the days when the premises would be required to close

The main issues for consideration were stated as being the impact of the proposals on highway safety and residential amenity

In terms of highways safety, Members were informed that the variation was not considered to have any significant impact. In respect of residential amenity, an acoustic fence on the east boundary would be conditioned

The Panel heard representations from an objector, who provided information which included:

- the extent of the objections raised to the application
- the existence of a Covenant restricting the use of the premises
- the need for clarification on what was being sought through the application
- noise nuisance
- the use of the building by adults
- the justification for extended hours
- that normal school hours should be permitted

The Panel then heard from a representative of the applicant who provided information which included:

- the additional hours were required to give flexibility to working parents and enable after school activities to take place
- that the school had tried to work amicably with its immediate neighbour over a long period of time
- that the allegations made by the speaker were strongly refuted

Members discussed the application with the main issue relating to:

- enforcement issues and the need for a full summary to be included on current or historical cases in future reports to panel

Although there was no objection in principle to the proposals, it was the view of Panel that further information, particularly around enforcement issues was required

RESOLVED - To defer determination of the application for one cycle to enable a more detailed report which included enforcement issues at the site to be presented to Members for determination of the application

7 Application 13/02721/FU - Five single storey extensions to school building - Green Lane Primary Academy Ribblesdale Avenue Garforth LS25

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

Officers presented the report which sought approval of an application for extensions at Green Lane Primary Academy, Garforth LS25 to enable the size of the school to increase from a one and a half form entry to a two form entry primary school

Members were informed that the school was popular and attracted pupils from the local area and further afield from Castleford and Wakefield. In terms of the NPPF, particular weight was placed on the expansion of schools. Children's Services were of the view there was sufficient capacity in the area, however the school wished to expand

On the level of car parking being provided, this would increase from the current 28 spaces to 45, including two disabled parking spaces and a designated delivery area

In response to a question raised on the site visit earlier in the day, Members were informed that the school had tried to introduce a walking bus two years ago but this had not proved possible due to a lack of support from parents. However, the school was willing to try again to introduce a walking bus and this would be conditioned

The Panel heard from the Highway's representative who stated the scheme was a modest expansion of 70 pupils but would lead to some inconvenience to residents through the additional parent drop off and pupils at the site. The school had existing parking associated with the parent drop off; there was also on-street parking on Woodlands Drive to the north of the site which was associated with the nearby railway station. A number of streets surrounding the school gave access for pedestrians and vehicles and a small element of staff parking took place on-street. The increase to the staff parking by 50% would mitigate the current problems of long-stay on-street parking by staff members and improved internal access for servicing and deliveries would be provided. The application was considered acceptable in view of its scale, on-street conditions, short term nature of the parent parking, accident statistics, on site improvements and travel plan. A condition was proposed for extra TROs to be explored in the area for any issues which arose regarding staff parking/parent pick up/drop off but it was acknowledged that previous schemes had been unpopular with local residents. If minded to grant the application, additional conditions relating to landscaping and pedestrian access points to be open/available for use at the start/end of the school day were recommended

The Panel heard representations from Councillor Dobson who had objected to the application and who provided information which included:

- the impact of the proposals on parking in the area and for residents to be at the centre of the scheme
- the need for a more co-ordinated approach to the problem of school traffic in the area
- that possible TROs would not be sufficient to alleviate the problem

The Panel then heard from the applicant's representative who provided information which included:

- the demand for school places in Garforth and the amount of families moving in the area
- the work undertaken by the school to engage with parents to address local parking issues and the introduction of restrictive road markings outside the school

Members questioned Officers on the highway implications, the nature and effectiveness of the TRO, highway safety and the measures and content of the Travel Plan

The proposed layout of the extensions was considered with the view being that an improved layout which incorporated a drop off point should be explored

As a way forward, the Panel's Lead Officer suggested the application be deferred and delegated to Officers to enable further discussions to take place

RESOLVED – To defer and delegate the application for further discussions on the highways issues, including the potential for a drop-off facility, TROs/off-site measures and the travel plan, between Ward Members, the School and Officers and in the event agreement could not be reached, that the application be returned to Panel for determination

8 Application 14/01679/FU - Change of use of two dwellings to an education centre - 1-3 Sandhurst Avenue Harehills LS8

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

Officers presented the report which sought approval of a change of use of two vacant semi-detached properties at 1-3 Sandhurst Avenue, to form an education centre for the Afghan community. It was reported that a similar application had been approved for the conversion of two dwellings to a religious educational centre at Nos 5-7 Sandhurst Avenue, although that application had not attracted opposition. Members were also informed that a previous application had been withdrawn by the applicants

Members were informed there would be little external alteration to the premises. Details of the internal alterations to form classrooms, library/ICT suites and caretaker's accommodation were provided

The level of representations the application had attracted were detailed, with many of these relating to issues of traffic and that the users of the premises did not live in the area. The formal comments of Councillors Harington and Maqsood who were supportive of the application were read out to Panel

Members were informed there was an equalities issue in respect of this application and that under the Equalities Act there was a requirement for LPAs to treat all communities evenly

If minded to approve the application an additional condition which had been missed off the report in error and related to the laying out and use of the property in accordance with the approved plans should be included

The Panel heard representations from an objector who attended the meeting and who provided information which included:

- the proposal would result in the loss of two residential dwellings
- noise nuisance
- works already being undertaken to the properties
- the proposed use of the premises, including hours of use
- facility does not serve the local area
- that a precedent had been set

The Panel heard representations from a representative of the applicant who provided information which included:

- there was a need for a community facility
- the centre would be open to everyone
- additional car parking could be provided on site if necessary
- between 24 – 30 pupils would be attending the centre; that many would be siblings and they would not all come by car

Members discussed the application and commented on the following matters:

- the petition objecting to the proposals and the area the objectors came from
- the reference in the report to unauthorised works and the need for careful conditions and monitoring if approved
- that the neighbouring development had been dealt with under delegated powers

Members considered how to proceed

RESOLVED - That the application be granted subject to the conditions set out in the submitted report plus an additional condition for the property to be laid out and used in accordance with the approved plans and that the terms of the planning permission be discussed with the applicant and that Officers within the Compliance Team are alerted

9 Application 13/04814/FU - Two storey side extension incorporating integral garage and two dormer windows to front and rear; single storey rear extension; convert existing integral garage to habitable living space; two dormer windows to front, three dormer windows to rear and insertion of windows to both sides forming habitable rooms in roof space - Greythatch Wetherby Road Scarcroft LS14

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

Officers presented the report which sought alterations and extensions to Greythatch, a two storey detached property in the Bardsey-cum-Rigton Conservation Area

Members were shown the previous proposals which were more extensive and were not supported by Officers on the grounds of scale and massing and impact on spatial setting. The applicant had submitted a revised scheme which Officers considered was acceptable

It was noted that the report had not commented on the mobile home which was situated in the front garden of the dwelling. This had been investigated by the Compliance Team who had concluded in this case its presence did not require planning permission from the Council. The applicant had stated he wished to use it during the construction process, which constituted Permitted Development

If minded to approve the application, an additional condition relating to tree protection and retention was proposed

The concerns raised by Councillor R Procter to the application were read out to the Panel

Members discussed the application and commented on the following issues:

- the mobile home; the length of time it had been on the site; policy relating to this matter and that this should be considered at Joint Plans Panel
- the fact that the property was situated in the Conservation Area and that regard should be had to this
- design issues including window treatment and loss of garden to hardstanding

The Panel's Lead Officer clarified that it was not the Council's policy to allow the stationing of mobile homes within garden areas but in certain circumstances, national legislation permitted such uses

Members discussed the application and considered how to proceed

RESOLVED - To defer and delegate the application to the Chief Planning Officer in consultation with Ward Members on revised proposals in respect of the design of the back of the property, and to reduce the extent of the hardstanding. The situation regarding the mobile home would be monitored by the Council's Compliance Team. In the event no agreement could be reached by all parties, that the application be returned to Panel for determination

10 Application 14/01765/FU Upgrading of playing pitch to form artificial grass pitch with fenced enclosure and floodlighting - Brodetsky School The George Lyttleton Centre Wentworth Avenue LS17

Plans, including the extent of the light spillage, graphics, drawings and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for the creation of an artificial grass pitch enclosed by fencing and supported by 6 ten metre high floodlight poles at Brodetsky School, Wentworth Avenue

The receipt of two additional representations was reported and the comments of Alwoodley Parish Council which objected to the proposals were read out for Members' information

If minded to approve the application, an additional condition requiring the submission and implementation of a parking management scheme was recommended

Members were informed that a range of conditions were proposed to minimise the impact of the floodlights on local residents and that timers would ensure the lights were extinguished at the approved hours, although it was accepted there was little which could be done to prevent glow from the lights

Landscaping details were provided with Members being informed that over time, the planting would better screen the facility

The Panel heard representations from an objector who attended the meeting and provided information which included:

- a previous approval on the site which stated that no floodlights would be permitted
- the accuracy of the electrical engineer's information which had been supplied
- impact of the lighting poles on the local area
- the objections of the Parish Council
- parking issues
- the use of the facility in view of comments which had been made

The Panel then heard representations from the Head of Brodetsky who provided information which included:

- parking arrangements
- the need for a year-round sports facility
- the inclusivity of the school
- the efforts of the school to make the proposals acceptable to residents

Members discussed the application, with the main issues relating to:

- the previous consent which stipulated no floodlighting or illumination. The Case Officer responded and advised this condition had been placed on the previous permission to control possible illumination in the future rather than preventing it per se
- the extent of research by Officers as to the impact of the lighting on local residents
- problems with floodlighting and the extent of the illumination on sports pitches elsewhere in the City
- the impact of the floodlights on the amenity of local residents

Members considered how to proceed. Information on the lighting levels were provided, with the floodlights estimated to be 1.1 Lux, compared to streetlamps which were 2 Lux

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, an amendment to condition 3 to set the precise Lux level of the floodlights and an additional condition in respect of an parking management scheme to be approved and implemented

11 Further election of Chair

As Councillor J McKenna had to leave the meeting for another appointment, nominations to chair the rest of the meeting were sought

RESOLVED - That Councillor Lyons nominated to Chair the remainder of the meeting

Councillor Lyons in the Chair

12 Application 13/02412/FU - Erection of new Islamic Centre at 58 to 62 Francis Street Chapeltown

Plans, drawings, graphics and photographs were displayed at the meeting

Officers presented the report which sought approval for a new Islamic Centre at 58-62 Francis Street

Members were informed that whilst representations received had suggested the building, the former Phoenix Club, had been listed, no record had been found of this being the case

The site which would be in close proximity to the Leeds Islamic Centre would house a traditional style Islamic building. Undercroft car parking for 10 vehicles would be provided, with Highways objecting to the proposals on the grounds of the level of parking provision and level of on-street parking

The Panel's Highways representative stated that site visits had been undertaken with the conclusion being that 10 spaces was not sufficient for the demand and would impact on surrounding streets, and in view of the close proximity of the Leeds Islamic Centre and the number of worshippers in the area, particularly on Friday lunchtimes, Highways were objecting to the proposals. However, if Panel was minded to approve the application, a condition requiring funding for TROs to protect the corners of junctions and visibility splays was requested - in the interests of highways safety

The Panel heard representations from an objector who attended the meeting and provided information which included:

- the number of religious facilities in the local area
- doubts about the inclusivity of the facility to other faiths/sections of the community
- the need for the centre and the view that existing facilities were operating at lower capacity
- the impact of the proposals in the area

The Panel then heard representations from the applicant's agent who provided information which included:

- that the parking provision was sufficient and that by providing limited parking would encourage people to walk to the centre
- the need for the facility

Members discussed the application, particularly the highways issues involved and the fact that Highways had objected to the scheme yet Planning Officers were supportive of the application

The Panel considered how to proceed

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

During consideration of this matter, Councillor Coulson left the meeting

13 Application 14/01673/FU - Change of use of house to a five bedroom house in multiple occupation (HMO) - 19 Sholebroke Mount LS7

Plans and photographs were displayed at the meeting
Officers presented the report which sought permission for the conversion of an existing mid terrace property into a 5 bed HMO
Details of the proposed accommodation were provided

RESOLVED - That the application be granted subject to the conditions set out in the submitted report plus an additional condition for the property to be laid out and used in accordance with the approved plans

14 Application 14/00946/FU - Erection of a food store with associated access, car parking and landscaping - Former Vauxhall Car Dealership Sandbeck Lane Wetherby LS22 - Position Statement

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

Members considered a report of the Chief Planning Officer setting out the current position in respect of an application for the construction of a retail food store, with 70 car parking spaces and landscaping on a vacant and derelict site, 600m north of Wetherby Town Centre. As part of a package of off-site works, a new pelican crossing, parking restrictions and mini roundabout were proposed. The site was in a predominantly residential area, with some neighbouring properties sharing a boundary with the site, but there was also some industrial uses close by

Reference was made to the existing supermarket provision in Wetherby Town Centre and two previous applications for food stores in the area which had been refused. The proposals being considered were for a smaller unit, operated by Aldi

The layout of the scheme was explained with Officers stating that the distance of the development from the existing hedge to the nearest residential dwelling was not sufficient to protect it. Whilst moving the building away from the residential properties would be of benefit, this would result in increased prominence of the store from the road

Members were informed that the applicant had undertaken a sequential test and had demonstrated there were no other suitable sites available. In terms of retail impact, this had been assessed on both Morrisons, the main food store in Wetherby Town Centre and the Centre itself, with lower impacts on these than those projected for the two larger supermarket developments which had been refused

In terms of car parking, the 70 spaces proposed fell short by 31 spaces of the maximum car parking guidelines. There were also concerns about possible conflict between service vehicles and customer's vehicles

Members discussed the proposals, with the main areas of discussion relating to:

- noise nuisance; delivery and opening hours and the need for refrigeration units to be placed away from the boundary with the residential properties

- that a standard store design would lead to issues on this site and the need for the applicant to be flexible in its approach
- that a more intensive use was proposed than the previous car dealership
- the loss of the hedging
- the tight appearance of the service arrangements and the need for these to be fully detailed by Highways Officers
- landscaping and boundary wall treatment, including materials
- the sloping nature of the site and how this would be managed to ensure the amenity of the residents on Sandbeck Lane was protected
- highways issues along Sandbeck Lane, particularly the gap which existed in the double yellow lines and for this problem to be resolved

In response to the specific points raised in the report, Members provided the following comments:

- that Members did have concerns relating to the impact of the development on the dwellings that adjoined the north-western boundary of the site
- that Members had concerns about the noise emitted from the refrigeration units and its impact on the living conditions on neighbouring residents
- that Members had concerns relating to the potential noise from delivery vehicles operating at night
- that Members were comfortable with the principle of this proposal to provide a discount food store on this out of centre site and were satisfied that the proposal would not harm the vitality or viability of Wetherby Town Centre
- regarding the design, materials and layout of the development, a non-standard store was required and that the issues of levels, boundary walls, siting and impact of the proposals on residents of Sandbeck Lane had to be addressed
- that further details were required on the parking, access and delivery provisions and also the package of off-site works which were proposed

RESOLVED – To note the report and the comments now made

15 Date and Time of Next Meeting

Thursday 24th July 2014 at 1.30pm in the Civic Hall, Leeds