

## PLANS PANEL (WEST)

THURSDAY, 1ST OCTOBER, 2009

**PRESENT:** Councillor C Campbell in the Chair

Councillors S Andrew, B Chastney,  
D Congreve, J Harper, T Leadley,  
J Matthews, P Wadsworth and L Yeadon

### 32 **Late Items**

The Chair directed one late of business be added to the agenda for consideration relating to a recent appeal decision (minute 36 refers)

### 33 **Declarations of Interest**

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

Councillor Andrew – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal and prejudicial interest as he knew the applicant (minute 39 refers)

Councillor Andrew – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of WYITA Transport Plan Steering Group as officers of WYITA had commented on the application (minute 42 refers). However he reported that as he had not attended all the earlier Panel meetings where the application was considered, he would not participate in the decision making.

Councillor Campbell – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of the Airport Joint Consultative Committee and as a local authority appointed member of WYITA as officers of WYITA had commented on the proposals (minute 42 refers).

Councillor Chastney – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal and prejudicial interest as he recognised the agent for the applicant as a work colleague in relation to his role as a Director for West North West Homes (minute 39 refers)

Councillors Chastney, Matthews and Yeadon – Position Statement relating to redevelopment proposals for Leeds Girls High School – declared personal interests as members of the North West Inner Area Committee. Proposals for the future redevelopment of the School had been the subject of discussions at the Committee, although the Councillors confirmed they had not previously expressed a view. (minute 37 refers)

Councillors Congreve and Wadsworth - Application 08/06944/FU Leeds Bradford Airport – declared personal interests as a local authority appointed

members of WYITA, as officers of WYITA had commented on the proposals (minute 42 refers); however reported that as they had not attended any of the previous meetings on the application they would not take part in the decision making process

Councillor Leadley – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a local authority appointed member of WYITA, as officers of WYITA had commented on the proposals (minute 42 refers)

Councillor Matthews – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of Yorkshire Tourist Board (minute 42 refers)

Councillor Yeadon - Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as she had previously attended discussions on the future of the airport when she had lived in the local area. (minute 42 refers)

Councillor Yeadon – Application 09/03738/FU extensions to 123 Argie Avenue - declared a personal interest as an employee of Mr J Battle MP who had been approached by a constituent to make written representation on the proposals. Councillor Yeadon confirmed she had no personal knowledge of this though. (minute 39 refers)

#### **34 Apologies for Absence**

Apologies for absence were received from Councillors Castle; Coulson and Taggart. The Chair welcomed Councillors Wadsworth and Congreve respectively as substitutes

#### **35 Minutes**

**RESOLVED** – That the minutes of the previous meeting held 3<sup>rd</sup> September 2009 be agreed as a correct record

#### **36 LATE ITEM - Appeal decision relating to Mike's Carpets, junction of Branch Road and Stanningley Road, Leeds LS12**

The Panel received one Late Item of business at the request of the Chair for consideration setting out a recent decision of the Planning Inspectorate. The appeal against a Listed Building Enforcement Notice concerned “Mikes Carpets” building, located at the junction of Branch Road and Stanningley Road, Leeds LS12. The building is well known in the city and the Panel had shown a great deal of interest in the previous enforcement action.

The report set out the requirements of the Enforcement Notice and the grounds for the appeal. It was the decision of the Inspector on 10<sup>th</sup> September 2009 to dismiss the appeal. The period for compliance with the Enforcement Notice was varied to provide a further 3 months.

The Panel welcomed the decision and commended officers for the work undertaken in defending the appeal

**RESOLVED** – That the outcome of the appeal and the contents of the report be noted.

**37 Residential Development at Leeds Girls High School, Headingley**

The Chief Planning Officer submitted a report setting out the current position with regards to redevelopment proposals for the Leeds Girl High School site in Headingley, Leeds LS6 prior to formal applications being submitted. Plans and photographs of the site; indicative drawings of the proposals along with architect's 3D graphics to provide some idea of the scale and massing were displayed at the meeting. Members had visited the site prior to the meeting.

The Panel noted the school comprised four sites and six applications were intended –

- Main school site incorporating Rose Court and Rose Court Lodge, bordered by Headingley Lane & Victoria Road (Applications 08/04214/OT; 08/04216/FU; 08/04217/CA; 08/04219/FU and 08/04220/LI) – for residential development
- Ford House and gardens/sports pitch to the north of Victoria Road – intended for public park
- The swimming pool/gym/hockey pitch to the south of Victoria Road (Application 08/04218/OT) – for residential development, although the sports hall and swimming pool to be conveyed to Leeds Met University with a Community Access Agreement
- Elinor Lupton House on Headingley Lane/Richmond Road

The key issues for consideration were outlines as the principle of the development; the impact on the Headingley Conservation area and its' character and appearance developer contributions and highways and parking implications.

Officers highlighted the following:

Rose Court and Rose Court Lodge - intention was to ensure this residential conversion would be undertaken by a developer with proven history of Listed Building redevelopment

Main site – to include a green corridor with pedestrian linkages through. The former tennis courts will provide a courtyard area and all new build residential units will be to edge of site

Protected Playing Pitches - 3 sites designated as such in the UDP so consideration of the loss and replacement of pitches and tennis courts was a key issue under PPG17 but this to be balanced with the benefit of significant green spaces within the development which will be public spaces – previously there were no public green spaces within the school site.

School pitches - the merging of Leeds Girls High School (LGHS) with Leeds Boys Grammar School had provided LGHS with more than adequate provision at the Alwoodley site.

Greenspace/playing pitch provision in Headingley – the LPA would look for on-site space for residents as an immediate need, then for wider accessibility for all community. A map showing the location of all greenspace/playing pitch provision in the ward was displayed at the meeting. Officers felt that overall this proposal would achieve public greenspace provision on site and although

there was no greenspace within the Victoria Road site the pedestrian linkages between the sites would address the deficit. It was reported that both Parks & Countryside and Sports England were still assessing the proposals.

Affordable Housing - 15% was required on site and the developer proposed a commuted sum rather than on site provision. Further consideration of whether that funding could be used to address the balance of family housing/HMO stock in Headingley was required.

Swimming Pool and Sports Hall – intended for Leeds Metropolitan University with public access arrangements.

Highways – the access to the site which also gives access to numbers 5, 7 and 9 Chestnut Avenue and to Back Chestnut Avenue, is wide enough to accommodate two-way traffic. However, the presence of existing on-street parking will need to be addressed by the introduction of Traffic Regulation Orders.

Housing mix - 151 units, the majority being family homes comprising 29 three bed town houses on Victoria Road; 59 three bed town houses on main site and 63 apartments.

Members commented:

Site Designation - Clarification required on whether the site was greenfield as locally the sites would be regarded as green sites and it was LCC policy to defend these. Officers advised the sites were regarded as “curtilage” of the former school and therefore were previously developed brown field sites but agreed the LPA must be sure of the designation of the sites prior to permission.

Sports Hall & Pool – local ward members reported the University no longer wished to manage these and Panel considered what impact this would have on the merit of the overall proposals.

Objections – some Members felt that a large number of the existing objections received before the proposals were revised, would still stand.

Buildings – building on site very important to locality and needed to be retained and re-used

Officers listed the information still required from the developers as the submission of detailed design drawings, an updated Transport Assessment; Travel Plan: detailed heads of terms of the S106 and a Design Access Statement.

Members commented that the proposals had been in the public domain since 2008, although no formal applications had been submitted and expressed their disappointment that the detailed documents had still not been submitted. Panel further commented that from the information available there did not appear to be a significant difference between the proposals originally mooted and these before Panel today. Some Members were minded to propose refusal of the scheme at this point, to allow the applicants the opportunity of submitting a fresh application with fresh details, rather than continue to amend

elements of the scheme which created confusion about the proposals actually to be determined.

In conclusion Members reiterated their concerns over the designation of the greenspaces as “brownfield curtilage” and subsequent proposed loss of the playing pitches. The Panel wished to see the detail of the applications presented as soon as possible and the Chief Planning Officer agreed to write to LGHS to express the Panels’ concerns and seeking submission of all relevant documents pertaining to the application within the next 2 weeks.

**RESOLVED –**

- a) That the contents of the position statement and the comments of the Panel be noted
- b) That the Chief Planning Officer write to LGHS expressing the Panels’ concerns and seeking submission of all relevant documents pertaining to the applications within 2 weeks from the date of this meeting

**38 Application 09/03049/FU - Part two storey, part single storey side and rear extension, two storey side extension to other side and single storey front extension to 64 Woodhall Lane, Pudsey, Leeds LS28 5NY**

The Chief Planning Officer submitted a report setting out proposals to extend an existing residential property at 64 Woodhall Lane, Pudsey. The Panel noted that a previous scheme for extensions to the dwelling had been refused and noted the comments made by the Planning Inspector at the subsequent appeal. Photographs of the existing dwelling were displayed at the meeting along with plans and architects drawings of the current and previous proposals for comparison.

Officers requested one further condition relating to tree protection measures be added to the permission, should it be granted.

The Panel noted the proposals had been redesigned to take account of the Inspectors comments and as a result of negotiations with officers. Members were keen to ensure the enforcement matters relating to the boundary wall were dealt with prior to commencement of these works, but were advised they did not have the power to do so.

**RESOLVED –** That the application be granted subject to the specified conditions contained within the report plus one further condition to ensure the protection of trees on site.

Councillor Andrew, having earlier declared a personal and prejudicial interest in the following matter (minute 33 above refers), withdrew from the meeting and took no part in the decision making process

**39 Application 09/03738/FU - Two Storey Side Extension incorporating the formation of basement storage area and raised balcony to rear at 123 Argie Avenue, Burley, Leeds LS4 2TG**

The Chief Planning Officer submitted a report on a revised scheme for extensions to a dwelling house at Argie Avenue, Leeds 4. The Panel had previously considered and refused a similar scheme (Application 08/05805) on 9 July 2009 (minute 6 refers). That decision was appealed and

subsequently dismissed by the Planning Inspector and this new application was submitted having regard to the Inspectors comments at the appeal.

Plans and photographs of the site were displayed at the meeting. Officers reported the contents of an additional letter of representation submitted by the resident of 125 Argie Avenue received since the despatch of the agenda and the contents of an e-mail sent today by local ward Councillor J Illingworth regarding the rights of access issue and the consultation period.

The Panel heard representation from Mr Walker, a local resident objecting to the proposals. He stated that local residents had not received proper written notification of the Panel meeting due to the mail strike and expressed his concern that the agenda had been despatched prior to the end of the expiry period for receipt of representations. Mr Walker also outlined the objections of the resident of No.121 regarding overlooking from the kitchen window and highlighted the issue of rights of access to the rear of the property at 125.

Councillor Chastney withdrew from the meeting at this point, having recognised the agent for the applicant, and took no part in the decision making process (minute 33 above refers).

The Panel then went onto hear the representation of Mr J Sharples, agent for the applicant, who confirmed the extensions were intended for residential use only and that the planning issues raised by the Inspector had effectively been dealt with due to the removal of the originally planned Juliet balconies. He explained the side windows would be obscure glazed as these were not primary windows and the access drive around the rear of the dwelling was just over 6m wide and sufficient for two cars passing.

Members commented that the erection of the rear boundary wall had presented difficulties to the residents of No. 125 gaining access to the rear of their property and garage. Mr Sharples advised that this legal matter was now being dealt with. Members responded that although this might not be a material planning matter, it may have contributed to what appeared to be a neighbour dispute.

The Panel went onto consider the issue of notification and were advised that it was not unusual for reports to be despatched prior to the end of representation periods as officers could provide Members with updates at the Panel meeting, as they had done today. Furthermore, this application had a target date of 20 October 2009, and presentation of this application to the next Panel meeting on 29 October would make any Panel decision "out of time".

**RESOLVED** – That the application be granted subject to the specified conditions contained within the report

**40 Application 09/02308/FU - Change of Use of former Residential Home to 12 bedroom House in Multiple Occupation, with 3 parking spaces, cycle and bin store, 88 Victoria Road, Headingley, Leeds LS6 1DL**

Further to minute 27 of the meeting held 3<sup>rd</sup> September 2009 when Members had resolved not to accept the officer recommendation to approve the

application, the Chief Planning Officer submitted a report setting out a proposed reason to refuse the application based on the concerns expressed at the last meeting.

**RESOLVED** – That the application be refused for the following reason “ The Local Planning Authority considers that the proposed development will be occupied mainly by students to the detriment of 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 particularly in view of the cumulative effect of the number and concentration of student occupied properties in the locality, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and asocial cohesion.”

**41 Application 09/02126/FU - Change of use of former residential home to one 8 bedroom House in Multiple Occupation and one 4 bedroom House, with 3 parking spaces, cycle and bin store at 88 Victoria Road, Headingley, Leeds LS6 1DL**

Further to minute 40 above, the Chief Planning Officer submitted a report on different redevelopment proposals submitted by the same applicant for the former residential home at 88 Victoria Road, Headingley. Officers highlighted the proposal to create one 8 bed House in Multiple Occupation and one 4 bed house. The report set out two proposed reasons to refuse the application.

Plans and photographs of the site were displayed and a further plan showing the proposed internal layout was tabled at the meeting.

The Panel heard representation from Mr T Cook, planning consultant for the applicant, who stated this proposal did address provision of non-student housing in the locality and highlighted the difficulties this property presented for sub division into smaller residential units. The Panel then heard representation from Dr R Tyler, Leeds HMO Lobby, who stated there was an over supply of student housing stock already in the locality and expressed concern that the property was already occupied.

The Panel made the following comments:

- conditions for the residents of the 4 bed dwelling were sub standard in terms of inadequate amenity space.
- proposed bin and cycle storage regarded as inadequate as access was restricted by the three car parking spaces.
- the boundary wall would require amendment and the aperture to the parking spaces would need to be widened to accommodate three vehicles as no turning space could be provided on site.
- access to the car parking area was considered to be inadequate and the comments of the highways officer were noted.

Members acknowledged this was a difficult property but suggested the applicant should have developed clear proposals before the purchase. Members were minded to confirm the officer recommendation to refuse the

application with the addition of one further reason based on inadequate driveway access; and insufficient space on the site for the car parking spaces requiring further amendment to the boundary wall.

**RESOLVED** – That the application be refused for the following reasons:

- 1) The Local Planning Authority consider that occupants of the proposed 4 bed dwelling would be adversely affected by noise and disturbance from the level of activity and intensity of use of the adjoining 8 bed HMO and that the dwelling would have inadequate and unsatisfactory amenity space and as such would be contrary to Leeds Unitary Development Plan Review policies GP5, BD5, H15 and Neighbourhoods for Living SPD
- 2) The Local Planning Authority considers that the proposed development will be occupied mainly by students to the detriment of 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 particularly in view of the cumulative effect of the number and concentration of student occupied properties in the locality, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and social cohesion.
- 3) *The LPA considers the amendment required to the boundary wall to create an aperture sufficient to allow three cars to access the designated car parking spaces to be unacceptable; and the access itself, without provision of a turning circle, to be an unsatisfactory arrangement*

**42 Application 08/06944/FU - Two Storey extension to main Airport Terminal Building to provide new entrance, improved internal facilities and associated landscaping works to the Terminal Building forecourt at Leeds and Bradford Airport, Whitehouse Lane, Yeadon, Leeds LS19 7TU**

Further to minute 30 of the meeting held 3<sup>rd</sup> September 2009, the Chief Planning Officer submitted a report on several matters which the Panel had requested be considered further

- 1) Trigger figure to release Section 106 funding
- 2) Travel Plan
- 3) Mechanism for dealing with Plans Panel input into Chief Planning Officers decision making

Officers reported the following:

**Trigger figure** of 2 now proposed

- The mechanism for the release of £125k for mitigation measures up to 3.8 mppa had already been agreed however the trigger figure remained an issue last time. This had now been revised to 2:
- **All of the year (except July and August)** – the 831 and 1332 flows shall not be exceeded on more than 2 occasions (excluding any Bank Holiday when background network traffic levels are also low or exceptional circumstances outside of the control of the airport).



- **During July and August** - a higher trigger figure of 914 and 1465 shall not be exceeded on more than 2 occasions. These figures equate to a 10% increase on the 831/1332 figures to reflect the lower background highway network figures in July and August. Airport traffic would have to significantly increase during these two months to have any adverse effect on the highway network.

The Panel discussed the following:

- Some Members preferred not to have any trigger figure and felt they still had not been provided with a technical explanation of where the trigger figure had been derived from or how to define the background level of traffic, nor a mechanism by which to define when congestion occurred
- Suggested a trigger figure of 1 at any time (not just peak flow times)
- Requested that monitoring include network monitoring at the junctions near the airport to assess background traffic levels. LBIA could then provide evidence of whether the airport did cause increased traffic flows and could seek a review of the trigger figure if the evidence suggested the airport did not cause congestion. Members noted the background monitoring would have to be implemented at the commencement of the planning permission
- The Panel was minded to set the limits as 831 and 1332 all year round, with no altered limits for July/August or Bank Holidays. Members were however mindful of incidents beyond the control of LBIA but took the view it would be up to LBIA to provide evidence of the exceptional circumstances/occasions

The Chair noted the comments made by Panel so far and invited **Mr Lapworth** of LBIA to make a representation about exceptional circumstances. Mr Lapworth responded to the comments on exceptional circumstances such as fog and how LBIA could be expected to manage exceptions during the peak hours.

The Panel noted and accepted the comment of the Highways Officer that, if monitoring was being undertaken for a 12 month period on the traffic network, the LPA could take the opportunity to monitor exceptional occasions during that same period.

### **Travel Plan**

Targets for journeys (by other than single occupancy vehicle) for airport company staff in annual stages had been set as:

- Not less than 10% by end 2010;
- Not less than 20% by end 2011;
- Not less than 30% by end 2012; and

The target for journeys (by other than single occupancy vehicle) for non airport company staff employed at the airport had been set as

- Not less than 20% by end of 2012

If those targets were not achieved at each stage an action plan would be required to be drawn up (within three months) to include measures to

demonstrate how the target will be met within a further 3 months with a further survey undertaken at that point to demonstrate compliance. If the target was still not met a financial penalty would be imposed of £1000 per LBIA employee and £250 per non-LBIA employee up to a maximum of £70,000 per annum. The penalty could finance mini bus travel for all employees.

Response rates for the completion of a travel survey had been set:

35%	2010	}	
40%	2011	}	for the 235 LBIA employees
50%	2012	}	
30%	by 2012 for all non-LBIA employees working at the Airport		

LBIA offered an alternative suggestion as outlined in para 3:6 of the report:

- All airport staff will be offered the opportunity for free access to existing bus services to LBIA (Leeds, Harrogate and Bradford).
- All new business partners will be asked in their contracts to use all reasonable endeavours to encourage their staff into sustainable modes of transport.
- All new staff will be encouraged through their employment contracts to use all sustainable modes of transport wherever possible.
- There will be an increase in the number of priority car parking spaces for car sharers.

Officers took the view that these were essentially measures which should be employed to achieve the modal shift and not penalties for failing to meet targets.

Members went on to comment:

- The offer of free access to existing bus services was a good one, but should be viewed as a measure to achieve the target, not a penalty.
- A minibus service could be feasible for local staff
- Felt LBIA should be able to achieve a similar target to LCC for completing travel surveys – such as 50% by 2012
- Suggested that rather than wait for the end of the year to undertake the action plan, if the target had not been met it should be drawn up in the 3 months after the survey results were available.
- Referring to para 3:6, suggested that rather than staff being “encouraged” they should be “*expected* through their employment contracts to use all sustainable modes of transport” as new employees should be clear what was required of them
- A mechanism was required to stop LBIA employees parking on surrounding streets such as Traffic Regulation Orders which could be used to mitigate. Anecdotal evidence suggested that LBIA employees did park on Yeadon High Street and use the service bus to the Airport
- Members commented it was LCC policy to reduce the number of workers travelling to work by car per-sé, therefore shift patterns were not a factor for consideration

Members supported the financial penalty suggested in the report, however suggested the following amendments:

- The on street car parking to be an issue for the Steering Group to review
- The travel survey to be undertaken in September of each year and the 3 month review period to commence as soon as results collated
- Paragraph 3.6 of the report to be amended to provide clear stance to new employees on what's expected of them

### **Steering Group**

It was agreed at the last Panel that the recommendations of the Steering Group in relation to spending monies from the Section 106 contributions would be referred to Plans Panel West prior to the CPO making a decision. Any decision made by the CPO in relation to this matter would not be able to be referred to Scrutiny.

Mr Crabtree, the Chief Planning Officer, confirmed that any decisions would have due regard to any comments made by Panel.

**RESOLVED** – That the contents of the update report be noted and that in relation to the outstanding matters the following be agreed:

#### **Terms of the trigger:**

- A trigger figure of 1 be set per annum excluding exceptional circumstances outside of the control of the airport where evidence was produced to justify
- Monitoring to include monitoring of the network to assess background traffic levels, in order for LBIA to assess whether the airport did cause increase traffic flows.
- The background monitoring to be implemented at the granting of the planning permission
- The limits set as 831 and 1332 all year round, with no altered limits for July/August or Bank Holidays.
- Evidence of incidents beyond the control of LBIA to be collated over a 12 month period
- Possible review to take place of trigger figure after 12 months in the light of evidence of flows on the network and any issues arising

#### **Travel Plan**

- Travel survey completion target to be 50% by 2010 for LBIA employees
- The on street car parking to be an issue for the Steering Group to review
- Travel survey to be undertaken in September of each year and 3 month review period for production of action plan if target not met to commence as soon as results collated
- Paragraph 3.6 of the report to be amended to provide a clear stance to new employees on what's expected of them

**Steering Group** – noted and confirmed the arrangements outlined at the meeting

(Councillors Andrew, Congreve and Wadsworth required it to be recorded that they abstained from voting on this matter as they had not attended the previous meetings where the application had been considered)

## **43 Date and Time of Next Meeting**

Draft minutes to be approved at the meeting  
to be held on Thursday, 29th October, 2009

**RESOLVED** – To note the date and time of the next meeting as Thursday 29<sup>th</sup> October 2009 at 1.30 pm