

Plans Panel (East)

Thursday, 2nd September, 2010

PRESENT: Councillor D Congreve in the Chair

Councillors R Grahame, P Gruen, G Latty,
T Leadley, M Lyons, K Parker, J Procter,
A Taylor and D Wilson

41 Chair's opening remarks

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

42 Late Items

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

Application 10/03/112/FU – 4 Farm Hill Way LS7 – Written representations, a plan and photographs submitted by an objector (minute 47 refers)

Application 10/0059/FU – Village Farm Harrogate Road LS17 – photographs submitted by Officers (minute 51 refers)

43 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:

Application 10/02690/LA – Victoria Primary School Ivy Avenue LS9 – Councillor Taylor declared a personal interest through being a trustee of The Charities of Thomas Wade as Wades Charity was referred to in the report (minute 49 refers)

Application 10/00059/FU – Village Farm Harrogate Road LS17 – Councillor Procter declared personal and prejudicial interests through having children who attend the nearby school which would receive additional education facilities through a legal agreement, if planning permission was granted (minute 51 refers)

Applications 10/01593/FU and 10/01594/CA – Wetherby Health Centre St James's Street LS22 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 47 refers)

Application 10/00711/FU – Holmecroft York Road LS15 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as the report contained references to improvements to bus stops in the vicinity of the site (minute 52 refers)

44 Apologies for Absence

Apologies for absence were received from Councillor Finnigan who was substituted for by Councillor Leadley

45 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 5th August be approved subject to the following amendment:

Minute 33 Application 10/01871/FU – Corpus Christi Catholic College LS9 – regarding ecological matters ‘ there was expertise within the Council and that the matter could be raised with appropriate Officers’ to be amended to read ‘ there was expertise within the Council and that the matter would be raised with the appropriate Officers’

46 Matters arising

Reference was made to the re-opening of Public Inquiries concerning proposed residential developments at Grimes Duke and Boston Spa

47 Requests for site visits

The Panel’s Lead Officer informed the Panel of a request which had been received from Councillor Lancaster for a site visit in respect of application 10/02814/FU – 41A Stainburn Crescent LS17 for reasons relating to residential amenity and character of the area

Councillor John Procter requested a site visit to St James’s Street Wetherby – applications 10/01593/FU and 10/01594/CA - to consider the impact on the area of proposals for a 58 bedroom residential care home with 8 extra care flats, car parking and landscaping

Members were informed that in respect of application 10/03112/FU – 4 Farm Hill Way LS7 – Officers were recommending a site visit be undertaken by Members in view of a recent representation which had been received and in view of the planning history of the site

RESOLVED - That the site visits be arranged

48 Applications 09/05215/FU and 09/05216/CA - 2 North Lane Oulton LS26 - Appeal decision

Further to minute 198 of the Plans Panel East meeting held on 11th March 2010 where Panel resolved not to accept the Officer’s recommendation to approve an application for the demolition of an existing house and the erection of 3 detached dwellings at 2 North Lane Oulton LS26, the Panel considered a report of the Chief Planning Officer setting out the Inspector’s decision following the lodging of an appeal on behalf of the applicant

The Panel’s Lead Officer informed Members that although the appeal had been dismissed, it had not been so on the basis that the site had been redesignated as greenfield and therefore in principle should not be developed, despite the representations made by the Council relating to the recent amendments to PPS3. The Panel was informed that the appeal was dismissed for reasons relating to overdevelopment and that the cottages lacked architectural integrity

Members were advised that other appeal decisions relating to development on garden land were also not being refused on the principle of development and that Inspectors were taking different approaches and placing different degrees of weight

on issues such as character of the area. An example of this was a recent appeal which was upheld by the Inspector in respect of garden land development at 10 Elmete Avenue LS15, with an award of costs being made against the Council. The Panel's Lead Officer stated that a full report on this decision would be submitted to Panel in due course

Concerns were raised by Panel Members at the decision relating to 10 Elmete Avenue LS15, particularly the award of costs when the Panel had considered the application over the course of two meetings and had visited the site. It was suggested by a Panel Member that the minutes should be expanded to include greater detail to demonstrate the consideration given by Panel to applications. Officers were asked to consider the merits of challenging the costs element of that decision and that the way in which Inspectors were dealing with the amendments to PPS3 should be considered by Joint Plans Panel

RESOLVED -

- i) To note the report and decision in respect of 2 North Lane Oulton LS26
- ii) To note the comments now made
- iii) That a detailed report on the appeal decision at 10 Elmete Avenue and the process of awarding costs be submitted to Panel for consideration
- iv) That the Chief Officer (Legal, Licensing and Registration) be asked to consider whether there were grounds to challenge the Inspector's costs decision against the Council at 10 Elmete Avenue LS15
- v) That the Chief Planning Officer and Director of City Development be made aware of the concerns expressed by the Panel
- vi) That the Chief Planning Officer be asked to write to the Secretary of State for Communities and Local Government stating that the changes to PPS3 were not having the intended effect of resisting the inappropriate development of garden land
- vii) That a report be submitted to Joint Plans Panel on appeal decisions on residential development on garden land

49 Application 10/02690/LA - Demolition of temporary classrooms and erection of two storey classroom block with canopy link to school - Victoria Primary School Ivy Avenue LS9

Plans, photographs and graphics were displayed at the meeting. A site visit had been undertaken earlier in the day which some Members had attended

Officers presented the report which sought permission for the demolition of temporary classrooms at Victoria Primary School, Ivy Avenue LS9 and the erection of a two storey classroom block with canopy link which would enable the school to increase both its pupil and staffing numbers over a period of years

Members were informed of concerns within the community about the impact of the proposals on car parking, especially for local residents who already experienced problems of inconsiderate parking from parents/carers dropping off and picking up their children at the start and end of the school day. To help remedy this situation as well as the provision of a TRO for 'School Keep Clear' markings there would be a requirement for the school to produce a robust Travel Plan to encourage greater use of sustainable methods of travel, with both of these being conditioned as part of an approval

Regarding pedestrian/cycle accessibility, there was an informal desire line across Shaftesbury Fields which was well used by pupils. It was hoped to secure a

more formal footpath and discussions were ongoing with the owners of this area of land, Wades Charity, to ascertain whether Wades would allow such works on their land. Members were advised that this matter was to be discussed by Wades Charity at their meeting in November and as there was an urgent need for the extra accommodation at Victoria Primary School it was not possible to delay the application until this matter had been resolved and it would not be possible to condition the provision of the footpath to achieve the desired outcome

If minded to approve the proposals, Officers requested the application be deferred and delegated to the Chief Officer to enable some additional information to be obtained concerning contaminated land

The Panel prepared to hear representations from Councillor Pryke who had been registered as an objector and from Education Leeds who were supporting the proposal

Councillor Pryke stated that he did not object to the proposals for an extension to Victoria Primary School as no ward member would wish to object to the provision of a new school facility, but he did wish to raise areas of concern about aspects of the proposals

Following consideration of the protocol for public speaking at Panel, it was clarified that in the absence of an objector no representations could be made to the Panel

Councillor Pryke stated that his representations could be regarded as an objection; this was not accepted by the Chair and Councillor Pryke withdrew

Members commented on the following matters:

- the use of the informal footpath and whether there had been any incidents of anti-social behaviour there
- the trees currently on the site and whether there was an intention to protect these
- concern that an image showing the proposed extension in relation to the existing school had not been provided
- that the building was described as 'modular' and whether this would allow for further expansion on the site
- the need for the Travel Plan to be considered in detail
- that the highways issues did not seem to have been addressed
- that the issue of the footpath should have been resolved prior to the application having been brought for determination
- the view that the application was being rushed through; that this was not an acceptable way to proceed with a planning application and that pressure was being placed upon Panel to make a decision when major issues remained unresolved

Officers provided the following comments:

- that no comments had been received to indicate there was anti-social activity occurring on the informal footpath
- whilst accepting the difficulties local residents were currently experiencing due to traffic generation associated with the school day, national planning guidance stated that new planning applications should not be used to resolve existing situations. Additionally in this case, the desired access crossed land in the ownership of a third party and where this occurred, planning conditions could only be imposed on such land where there was a real prospect of the terms of that

condition being delivered. Although the school and Education Leeds would be encouraged to continue discussions on this, the outcome would not be known until the meeting of Wades Charity in November

- that the application if approved would lead to an increase in pupil numbers but that in terms of the measures which were implemented, these had to relate to the planning application which was before Members and in respect of the Travel Plan, this was covered by a planning condition
- regarding the trees on the site, that the Council's Tree Officer could be asked to assess the trees on the site to see if they were worthy of protection and then report back to Ward Members and the Panel

The Panel's Highways representative stated that discussions with Ward Members on the highway issues had led to an additional condition being imposed in respect of a TRO for road markings which the Officer considered would be more effective than permit parking for residents, particularly as a traffic management scheme could be enforced

The Panel considered how to proceed

RESOLVED – To defer and delegate approval of the application to the Chief Planning Officer subject to receipt of further information concerning contaminated land and subject to the conditions set out in the submitted report plus additional conditions relating to:

- scheme for protection of trees during construction works
- details of a scheme for pedestrian access to be submitted and approved in writing by the local planning authority

that the Travel Plan be agreed in consultation with Ward Members; that the Council's Tree Officer visit the site to assess the trees between the play area and existing temporary buildings to establish if they were worthy of protection and to report back to Ward Members and Panel Members on this matter

50 Application 10/02834/FU - Alterations to existing detached house to form 6 flats, including two storey extension with basement and rooms in the roof space - Hollybank 5 Gledhow Lane Gledhow LS8

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which related to an application for extensions to a property on Gledhow Lane LS8 which included the formation of 6 flats on a greenfield site in a part of the city which was characterised by open areas and was sited in the Roundhay Conservation Area

A previous, larger scheme had been refused and was subsequently dismissed on appeal, although the current proposals had been designed to address some of the Inspector's criticisms of that earlier development

The amendments to PPS3 'Housing' had changed the definition of the land to greenfield and had given LPAs an additional tool to resist inappropriate development, not in terms of the principle of development but when it came to the effect on the character of the area

Officers reported receipt of 3 further letters of objection, with only one new issue being raised from those set out in the submitted report

Having considered the proposals, Officers were of the view that the development was overintensive, would result in loss of open space and have an

adverse impact of the open character and appearance of the Conservation Area and were therefore recommending to Panel that the application be refused

Members considered representations from the applicant and another supporter of the proposals together with an objector who attended the meeting

RESOLVED - That planning permission be refused for the following reason:

The proposed development, by virtue of the scale and size of the proposed extension and the overall extent of development proposed would result in the loss of open mature garden space resulting in an unacceptable overdevelopment of the site which would detract from the character and setting of the host property and the open character and appearance of the Roundhay Conservation Area, contrary to policies GP5, N12, N19, BD5, and BD6 of the UDP and the guidance in SPG6, PG13, Roundhay Conservation Area Appraisal, PPS1, PPS3 and PPS5

51 Application 10/00059/FU - Erection of 5 detached houses and 3 terrace houses at Village Farm Harrogate Road Harewood LS17

(Having declared personal and prejudicial interests in this matter, Councillor John Procter withdrew from the meeting)

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought permission for the development of an allocated greenfield site within the Harewood Conservation Area and village envelope. Whilst proposals for a greenfield site would usually be resisted in advance of brownfield sites, there had been an extant permission for the site at the time the application was submitted. The proposed development would also lead to benefits for the area, especially enhancements to the Conservation Area and for these reasons Officers considered there were sound planning reasons to justify planning permission being granted

The site was currently vacant and had been designated in the UDP for housing with the proposed houses being traditional two storey buildings and designed to relate to the character of the area

Vehicular access would be from Malt Kiln Lane and Harewood Road and although concerns had been raised by local residents about this, the access had been agreed on the previous scheme and there would be improvements to the access to allow two-way passing so the situation would be no worse than that accepted when the previous permission was granted

A draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act had been provided by the applicant which included:

- Confirmation of School lease for a term of 999 years
- Transfer of the freehold of the Headmaster's House to the Council for educational use
- Provision of off-site greenspace, laying out and maintenance

Additional conditions were suggested by Officers relating to details of a pedestrian warning sign adjacent to the The Harewood Arms Hotel to be submitted and further details of the construction of the road improvements to be submitted

Members discussed the application and commented on the following matters:

- whether the access would define a new Green Belt boundary

- the level of privacy the rear gardens of the properties would enjoy
- highways issues, particularly concerns at the egress onto Harewood Avenue in view of cars tending to accelerate immediately at this point
- details of the refuse collection arrangements
- the type of slate to be used on the roof with the view that this should be sandstone
- the loss of the poplar trees

Officers provided the following responses:

- that the boundary of the Greenbelt was set in the UDP; that the scheme would only provide planting on the boundary and that the development would not impact on the Council's ability to defend the Greenbelt from inappropriate development
- concerning the highways issues, the footpath was wide and whilst accepting that parking did occur along the road frontage which could mask the access, the Panel's Highways representative stated that the proposals were acceptable
- in respect of refuse collection, there would be a collection point for all the properties and a turning head would be provided
- in relation to the removal of trees, some of these were in poor condition but replacement planting with more native species would be provided

RESOLVED - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions specified, additional conditions relating to the use of sandstone slate to the roofs of the properties; details of the pedestrian warning sign adjacent to The Harewood Arms Hotel to be submitted; notwithstanding the submitted plans, further details of the construction of the road improvements to be submitted (and any others which he might consider appropriate); minor amendments to the internal road layout to increase the refuse turning area; increase width of gate piers; consistency between the site layout plan and highways plan and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- confirmation of School Lease for a term of 999 years
- transfer of the Freehold of Headmaster's House to the Council for educational purposes
- provision of off-site Greenspace, laying out and maintenance
- S106 management fee

(Following consideration of this matter, Councillor John Procter resumed his seat in the meeting)

52 Application 10/00711/FU - Laying out of access road and erection of 4 buildings comprising 1 single block of 12 start up units with 2 seminar areas and 6 workshop units in 3 blocks (all class B1(B) and Bb1(c)) with car parking at Holmecroft York Road LS15

Further to minute 239 of the Plans Panel East meeting held on 13th May 2010 where Panel considered a Position Statement for a commercial development at

Holmecroft which was situated in the Green Belt on the A64 York Road, Panel considered a report of the Chief Planning Officer setting out the formal application

Plans, photographs, graphics and a sample panel of proposed materials were displayed at the meeting

Whilst by definition, the development was inappropriate, Members were informed that the applicant had put forward information which was considered to constitute very special circumstances which would outweigh the harm to the Green Belt which would arise from the development's inappropriate nature

RESOLVED - To approve the application in principle and refer the application to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 as a major development in the Green Belt. In the event of the Secretary of State not wishing to intervene, to delegate final approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to cover the following matters:

- i) public transport infrastructure contribution (£17,991)
- ii) Metro contribution for upgrading of a bus stop adjacent to the site (£10,000)
- iii) travel plan and monitoring fee (£2,550)
- iv) Section 106 monitoring fee

In the circumstances where the Section 106 Agreement has not been completed within 3 months of resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

53 Application 09/05297/FU - Two storey rear extension with porch to side, single storey side extension and detached double garage to rear - Hemmingway's Cottage The Green Thorp Arch Wetherby LS23

Further to minute 31 of the Plans Panel East meeting held on 5th August 2010 where the Head of Planning Services sought consideration of the application to be deferred in view of further representations which had been made in respect of the proposals, Panel considered a further report

Plans and photographs were displayed at the meeting

Members were informed that the applicant had submitted an appeal against non-determination and therefore Officers were seeking an indication from Panel how it would have determined the application had it been in a position to do so

The Panel's Lead Officer stated that the Council's Tree Officer had visited the site and was of the view that the beech hedge to the rear of the property was not worthy of preservation

Discussion ensued on possible conditions to reassure local residents that the demolition of the existing side extension would take place at to the outset to enable parking of construction vehicles. The Panel's Lead Officer stated that it would be for the Inspector to determine the appeal and if it was approved, to decide upon conditions to be attached to that. However, in the representations from the LPA on the appeal, a statement would be included explaining the need for such conditions in this case

RESOLVED -

- i) That had the Panel been in a position to determine the application it would have granted planning permission subject to the conditions set out in the submitted report

- ii) That in making representations on the appeal, Officers should set out the case for the imposition of a condition relating to the need for a construction management plan – suggested condition 6 – demolition of side extension to facilitate parking of construction vehicles and siting of construction compound to rear of dwelling

(Under Council Procedure Rule 16.5, Councillor Leadley required it to be recorded that abstained from voting on this matter)

54 Date and time of next meeting

Thursday 30th September 2010 at 1.30pm in the Civic Hall, Leeds