

PLANS PANEL (WEST)

THURSDAY, 7TH OCTOBER, 2010

PRESENT: Councillor J Harper in the Chair

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

46 Election of the Chair

The Head of Planning Services opened the meeting and reported the absence of Councillor Taggart, Chair of Plans Panel West due to a family bereavement. The Panel expressed their condolences to Councillor Taggart and his family.

Nominees were sought to Chair the meeting. Councillor J Harper was proposed by Councillor Coulson and this was agreed by the whole Panel
RESOLVED – Councillor Harper took the Chair for the duration of the meeting

47 Late Items

No formal late items of business were added to the agenda; however the Panel were in receipt of the following additional information

Leeds Girls High School (minute 51 refers)–

- a copy of the report presented to the August 2010 Panel meeting for reference
- an improved copy of page 27 of the report showing the architect's representation of the development

45 St Michael's Lane (minute 59 refers) –

- an amended copy of the report as one page from the Inspectors report had been omitted in error from the copy included within the agenda

48 Declarations of Interest

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

Leeds Girls High School applications (minute 51 refers):

- Councillor Akhtar declared a personal interest as a member of North West Inner Area Committee
- Councillor Castle declared a personal interest as both she and her daughter had been educated at the school and as a member of Leeds Civic Trust which had commented on the proposals
- Councillor Chastney declared a personal interest as a member of the Far Headingley Village Society which had been consulted on the application and as a member of the North West Inner Area Committee which had received a presentation on previous proposals in 2009
- Councillor Hardy declared a personal interest as he stated he had made a representation to The Grammar School at Leeds regarding use of the schools' Alwoodley based playing pitches by Headingley based primary schools although he reported he had not received a response

- Councillor Matthews declared personal interests through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals and as a member of North West Inner Area Committee which had received a presentation on previous proposals in 2009

Councillor Akhtar - LBIA Monitoring Report - declared a personal interest as he stated he regularly used the flight operator named in the report as being in breach of the conditions (minute 55 refers)

Councillor Chastney - Greenlea Mount – declared a personal interest as a local authority member of the Board of West North West Homes, the applicant. (minute 52 refers)

Councillor Harper - LBIA monitoring – declared a personal interest as a member of the West Leeds Gateway Board (minute 55 refers)

Councillor Harper - Kirkstall Road – declared a personal interest as a member of Kirkstall Valley Park, (minute 56 refers)

Councillor Matthews – 111 Otley Road – declared a personal interest as the applicant was known to him (minute 53 refers)

49 Apologies for Absence

Apologies for absence were received from Councillor Taggart. The Chair welcomed Councillor Congreve as his substitute

50 Minutes

RESOLVED – That the minutes of the meeting held 9th September 2010 be agreed as a correct record

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

The Chief Planning Officer, Mr P Crabtree, addressed the meeting to explain the request to withdraw the item from the agenda.

It was reported that a member of the public had sought an injunction to prevent a decision being made at this meeting, and had subsequently sought a Judicial Review of the decision to be made. The High Court had rejected the injunction application the day prior to this Panel meeting.

Although the Panel was entitled to make a decision, officers were mindful of the new issues raised in the applications by the member of the public and the continued threat of a legal challenge. Advice sought on the approach the Authority should take concluded that the matter should be deferred to allow time for officers to prepare a report to be presented to the next Panel meeting which would address the matters raised in the applications for the injunction and Judicial Review.

Members expressed concern at the prospect of further delays to the determination of the applications and the likelihood of an appeal against non determination being lodged by the applicant. The Panel requested that the documents pertaining to the High Court applications be sent to them as soon as possible. Members also reported receipt of additional correspondence from local residents as recently as the previous evening.

The Chief Planning Officer reported that the matter had been discussed with Morley House Trust, the applicant; and highlighted the fact that the late submission of information from interested parties had an impact on the decision making process.

RESOLVED – That determination of the application be deferred for one cycle to allow time for officers to prepare a report which will respond to the matters raised in the applications before the High Court and be presented to the next Panel meeting.

(Councillor Akhtar withdrew from the meeting)

52 Application 10/00708/LA - Greenlea Mount, Yeadon LS19

The Chief Planning Officer submitted a report on a retrospective application to regularise development of a car park completed in 2007 to serve 15 bungalows for elderly residents and their visitors. Members had visited the site prior to the meeting. Aerial photographs and a site plan were displayed at the meeting.

(Councillor Akhtar rejoined the meeting)

Officers reported the main issues raised by objectors to the application as being their concerns over the quality and design of the existing car parking, along with issues of highway/pedestrian safety and drainage. With regards to the proposed conditions, officers also requested that Condition No 5 should be amended to “The development hereby permitted shall not be used until a Management Plan for the car park has been submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall include:

- allocation of bays
- laying out of markings
- measures to ensure private car park”

Members discussed the impact of the redevelopment works on the residents, particularly in terms of access and were keen to ensure the works caused minimal disruption.

RESOLVED – That the application be granted subject to the specified conditions contained within the report with the amendment to Condition No 5 as above, plus an additional condition to ensure the submission of a construction management plan to minimise disturbance to residents

53 Application 10/03806/FU - 111 Otley Road, Leeds LS6

The Panel considered the report of the Chief Planning Officer setting out proposed reasons to delegate refusal of an application for the change of use

of a vacant retail unit to restaurant which would allow an existing operator to expand the business from the adjoining unit.

Officers reported that since the agenda for the meeting had been despatched, the Authority had received two petitions containing 240 signatures, 2 further letters and a letter from Mr G Mulholland MP, all in support of the application. Officers also noted a correction to the report to properly identify "Weetwood" as the relevant ward.

Site plans, internal layout plans, photographs of the premises and the streetscene were displayed at the meeting

Officers highlighted the main issues for considerations as being the designation of the site within the UDP, the fact that only 4 out of the 14 units remained as retail and the desire to retain retail uses for the future, highway safety issues and car parking and the location of the site within Headingley Conservation Area.

The Panel heard from Mr R Raper, agent for the applicant who highlighted the support for the scheme from local residents, measures to encourage non car use by staff including cycle bay facilities, parking issues and the scale of the development.

The Panel had regard to the outcome of an appeal concerning a change of use of another retail unit in the same parade. Members discussed the view that one of the aims of the UDP was to protect existing and promote new developments as appropriate to a locality and, mindful of the support for this development from local residents; Members further discussed whether this scheme could be considered as an exception to the policy

Overall, the Panel were not minded to accept the officer recommendation to refuse the application, however did acknowledge that further consideration was needed in terms of control of the land use around the unit, control for the Authority and the Travel Plan. The Panel therefore

RESOLVED – not to accept the officer recommendation to refuse the application, but to defer determination of the application to allow time for further consideration of Travel Plan issues, car parking and environmental improvement and how those matters would be delivered

54 Application 10/01838/FU - Gordon Mills, Netherfield Road, Guiseley LS20

The Panel considered the report of the Chief Planning Officer setting out an application for permanent consent for the change of use of an industrial unit to an Indoor Kart Arena. Plans and photographs of the site were displayed at the meeting. It was noted that temporary consent was granted by Panel in 2008

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

55 Leeds Bradford International Airport - Monitoring Report of night time aircraft movements, noise levels and air quality

The Chief Planning Officer submitted a report on the monitoring of night time aircraft movements, noise and air quality in relation to Leeds Bradford International Airport covering the period from February to August 2010. Members had considered a similar report on 15th April 2010 and requested a monitoring report every 6 months (Minute 107 refers)

The report referred to the breaches of conditions relating to night time flying identified previously and set out the action taken to address these with the relevant flight operators and LBIA along with the responses received.

Officers highlighted the three occasions during February to August 2010 when breaches had occurred again, but explained one of those could be seen as an exceptional circumstance. Officers, having regard to the Panel's previous wish to ensure action should be taken if breaches were to occur, confirmed that the incidents were being investigated and careful consideration was being given to the most appropriate course of action to be taken.

(Councillor Akhtar declared a personal interest at this point as he stated he regularly used the flight operator named in the report as being in breach of the conditions)

RESOLVED –

- a) That the contents of the report in relation to night time aircraft movements, noise and air quality monitoring be noted.
- b) To note that formal action is proceeding with regard to breaches of planning control as outlined in paragraph 4:6 of the submitted report
- c) To note that a further report on that issue and on the night time movements, noise and air quality will be presented to the Panel in six months time

56 Application 10/01289/FU - Land adjacent to 419 & 421 Kirkstall Road, Burley LS4

Plans, internal layout plans and photographs of the site were displayed at the meeting. A photo montage showing the development in situ was also displayed for reference. Members noted the totem advertisement pole as shown in the slides would require separate Advertisement Consent.

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

(Councillor Wood withdrew from the meeting at this point)

57 Application 10/03129/FU - 20 Rockery Road, Horsforth LS18

The Chief Planning Officer submitted a report on proposals for a contemporary extension to an end terrace property within Horsforth Conservation Area. The Panel had previously refused an application on the same site on 15th April 2010 (minute 111 refers). Plans and photographs of the site were displayed at the meeting along with the architects drawing of the proposal.

(Councillor Wood rejoined the meeting)

Officers stated there were no issues of overlooking or over dominance to adjacent houses due to the distances involved, and requested Condition 10 requiring provision of landscaping details should be amended to include reference to submission of details of treatment to the boundary.

Members discussed access to the private right of way which ran to the rear of the terrace and highways issues in relation to access to the garage

RESOLVED – That the application be granted subject to the specified conditions contained within the report and subject to an amendment to condition 10 to read “Submission of full landscaping details and boundary treatment”

(Councillor Akhtar withdrew from the meeting)

58 Applications 10/03603/FU & 10/03604/CA - the former Lounge Cinema, North Lane, Headingley LS6

The Panel considered the report of the Chief Planning Officer on redevelopment proposals for the former Lounge Cinema, Headingley. Plans, artists' impressions of the proposals and photographs of the site and streetscene were displayed at the meeting. Slides showing a scheme approved in November 2009 for a mixed use development were also displayed for reference.

Officers reported the following amendments to the report:

- Condition 2 to refer to measures to ensure the development is built as per the submitted plans
- Condition 5 of the Section 106 obligations to refer to 1 hours free car parking (not 2 hours)

Officers highlighted the planning issues for consideration as the retention of the North Lane façade, the change from office use to residential and the reduction in the scale of the redevelopment along with car parking and highways issues.

(Councillor Akhtar rejoined the meeting)

Discussion ensued on the following:

Car Parking - Desire for 2 hours free car parking which would be in line with other car parks covered by the draft Headingley Car Parking Strategy. Officers responded the Strategy was not yet adopted and the one hour free public provision was seen as a reasonable compromise. Comments made on behalf of Highways Services and the Transport Strategy Team were noted.

The Arc - An application had been submitted by the same applicant to relax the conditions stipulating the hours of use of The Arc balcony adjacent to this site and Members discussed the possible impact of that on the future residents of the Lounge development. Officers responded that LCC Environmental Protection Team had not objected to this application and confirmed that music would be inaudible from The Arc balcony as set out in the conditions

Traffic Regulation Orders – TRO's would establish the one way system through the site but Members were concerned about the possible impact on existing shops nearby. Officers reported that this development was likely to commence before the Headingley Car Parking Strategy was taken forward

(Councillor Akhtar withdrew from the meeting for a short time before resuming his seat)

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for final approval subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1) Travel plan - £7000 for metro cards and car club contributions
- 2) Travel plan monitoring fee - £2500
- 3) Public Transport Contribution - £38,469
- 4) Green space - £27,706 for off-site Greenspace provision in the locality
- 5) Public car parking to be made available for retail shopper for 1 hour free parking

Or, if an agreement cannot be reached on the S106 matters, the application to be deferred and delegated to the Chief Planning Officer for refusal

59 Application 10/00779/EXT - 45 St Michaels Lane, Headingley Leeds LS6

Further to minute 109 of the meeting held 15th April 2010 when the Panel deferred determination of the application, the Chief Planning Officer submitted a report on an application for the extension of time for permission for the redevelopment of 45 St Michael's Lane and setting out consideration of the matters raised in April:

- Planning Policy Statement 3
- Student housing demand and developments in the locality
- The relevance of the outcome of the "Glassworks" appeal

Plans of the proposals and photographs of the site were displayed at the meeting. A copy of the Inspectors decision from February 2007 which allowed the appeal for Application 06/02738/FU was included in the report for reference.

Officers highlighted the mix of uses in the locality and the difficulties of developing this site, which they felt was not suitable for family homes. Overall, officers reported no basis on which to justify refusal of this application. Members expressed their regret over the outcome of the appeal. The Panel received confirmation that the applicant had agreed that the path through the site to Back Broomfield Crescent would be for emergency access only.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for final approval subject to the specified conditions contained within the report (and any others he might consider appropriate) and completion of a legal agreement within 3 months from the date of resolution unless agreed otherwise in writing by the Chief Planning Officer to

cover a financial contribution of £26,555.86 for Public Open Space provision off-site.

60 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 4th November 2010 at 1.30 pm