

## PLANS PANEL (WEST)

THURSDAY, 4TH NOVEMBER, 2010

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,  
M Coulson, J Hardy, J Harper, T Leadley,  
J Matthews, R Wood and C Fox

### 61 **Chairs Opening Remarks**

The Chair welcomed all present to the meeting and invited officers and Members to introduce themselves.

### 62 **Apologies for Absence**

Apologies for absence were received from Councillor Castle. The Panel welcomed Councillor Fox as her substitute

### 63 **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 66 refers):

- Councillor Akhtar declared a personal interest as a member of North West Inner Area Committee
- 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 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. He also declared a personal interest as a Governor of Springbank Primary School which he felt could be regarded as a school which could benefit from the use of the former LGHS pitches
- Councillor Taggart declared personal and prejudicial interests as he had undertaken work for the applicant's agents, albeit not in Leeds. He stated he would withdraw from the meeting during consideration of the item
- Councillor Hardy stated he had made enquiries of The Grammar School at Leeds regarding possible use of the schools' Alwoodley based playing pitches by Headingley based primary schools. He had requested the School respond directly to LCC Planning Services, and to date, he was not aware that a response had been received. It was noted that this did not constitute a declaration of interest for the purposes of the Members Register of Interests
- Councillor Coulson reported that although he was a member of WYITA he had not attended any WYITA meetings where the applications had been discussed and did not have an interest in the matter

Councillor Chastney – Application 10/04111/FU 180 Otley Road – declared a personal interest as he recognised the applicant in the meeting room as being someone who was known to him (minute 71 refers)

Councillor Fox – Application 10/03772/FU Cookridge Lane – declared a personal interest as the applicant had written to him regarding an earlier proposal for development on the same site, although it was noted that no contact had been made regarding the proposals to be considered today (minute 70 refers)

Councillor J Harper Application 10/0324/FU Lyric House – stated that although the report on the application highlighted her support for the comments made by Councillor Lowe, her ward colleague who objected to the scheme, she did not have an interest to declare as she intended to consider the report and the information provided by the planning officer before she made a decision. (minute 68 refers)

#### **64 Minutes**

The Panel noted a request to amend minute 48 (declarations of interest) to clarify that Councillor Hardy had made a representation to The Grammar School at Leeds and had asked the School to respond directly to LCC Planning Services rather than himself as suggested in the minute

**RESOLVED** – That, subject to a appropriate amendment as detailed above, the minutes of the meeting held 7<sup>th</sup> October 2010 be agreed as a correct record.

Councillor Taggart, having earlier declared a personal and prejudicial interest in the following agenda item withdrew from the meeting and took no part in the decision making process

#### **65 Election of the Chair**

Nominations were sought from the Panel for the position of Chair of the meeting for the following item. Councillor Harper was proposed by Councillor Akhtar and this motion was seconded by Councillor Hardy and supported by the Panel

**RESOLVED** – Councillor J Harper took the Chair

#### **66 Applications 08/04214/OT, 08/04216/FU, 08/04220/LI, 08/04219/FU & 08/04217/CA - Residential Development, Leeds Girls High School, Headingley LS6**

Further to minute 51 of the meeting held 7<sup>th</sup> October 2010 when the applications were withdrawn from the agenda due to new issues being raised in applications made by a member of the public to the High Court which sought to prevent a decision being taken, the Chief Planning Officer submitted a report setting out the planning applications and responding to the matters sought to be raised before the High Court. Subsequently the Court had received notice that the injunction and judicial review had been summarily dismissed

Plans and photographs of the site were displayed at the meeting. Officers reported receipt of letters of representation from:

- Mr G Mulholland MP and Mr H Benn MP
- Individual letters of objection from Councillors Monaghan; Hamilton; Atha and Illingworth. Officers provided a précis of their contents
- LCC Health Scrutiny Board
- A further joint letter of representation from local ward Councillors M Hamilton and Monaghan
- Further letters from local amenity groups and individuals

Officers highlighted the key issues relating to the scheme to consider as:

### Playing Pitches

- Referred to relevant planning policy N6
- Noted the new pitch provision located at The Grammar School At Leeds (GSAL) was open to public use and of superior quality to that at the former Leeds Girls High School (LGHS) site. The LGHS pitches had never been available for public use
- The LGHS pitches had been assessed by LCC Parks & Countryside as unsuitable for various activities. Furthermore LCC did not have resources available for their upkeep
- The Lawn Tennis Association had not responded to a request to comment on residents' claims that provision of tennis courts in the locality did not meet LTA recommended standards
- Members should note the proximity and availability of pitches at Woodhouse Moor for community use
- Sport England had withdrawn their objection to the application
- Reported the opinion of Leading Counsel that Policy N6 could not form the basis of a refusal as the two criteria within Policy N6 had clearly been met
- Referred to relevant policy PPG17
- Noted the comment by objectors regarding consultation and responded that paragraph 10 of PPG17 did not give local communities power to veto a development.
- Leading Counsel advised that although that part of PPG17 carried weight, it was not a defensible basis for refusing planning permission

### Ford House Gardens

- Reported the circumstances of the withdrawal of the offer of use of Ford House Gardens (FHG) for the community
- At the time FHG was offered as part of the section 106 package, the Panel could lawfully consider that offer as forming part of the application; however the rules governing how legal agreements were taken into consideration in planning applications changed in April 2010; the offer had also formed part of the claim in the High Court challenge referred to above.
- The land needed to satisfy tests of necessity to make the development acceptable in planning terms; to be directly related to the development and fairly; and to be reasonably related in scale and kind. LCC could

not state those tests were met as the relationship between FHG and the development was not suitably robust.

- Leading Counsel's advice sought by both LCC and the applicant concluded that the offer of FHG should be withdrawn from the scheme and the withdrawal was not in itself a reason to refuse the scheme

#### Main School Building

- A slide showing the scale of proposed demolition was displayed
- The façade would be retained and there had been discussions over retaining the link and Library extension as well. These could provide 3 townhouses and 6 apartments however 2 houses to the rear of the development would need to be deleted in order to facilitate the rear access road,
- Officers were mindful of community concerns over the introduction of flats into the area in general and had concluded that the objective of promoting sustainable communities was better served by the application as proposed

#### 4 Storey Block

- New drawings had been submitted and were displayed to show the basement car parking arrangement
- Officers commented on the quality of the architects drawings but felt any outstanding issues could be dealt with at the Reserved Matters stage

#### Affordable Housing

- The contribution would be used to purchase Houses in Multiple Occupation in the area in order to return these to family residences. The fallback position would be to provide affordable housing on site.

The Panel heard representation from Mr P Baker, Mr B McKinnon and Mrs S Buckle in objection to the development proposals. Their representations included the following issues:

- Concern over the demolition proposals for the Main School Building
- The view that the library could accommodate town houses, not flats
- The new drawings showed the true heights of the flat block proposals. Such a tall building should not be erected so close to trees which provided character to the area
- The proposals were contrary of Policy N6 as the pitch provision was not within LS6 area
- The proposals were not widely supported locally contrary to part 10 of PPG17
- Concern that comments from the LCC Conservation and Design Officers regarding heights; design; retention of the school building and overdevelopment had not been highlighted
- Highlighted the fact that the University had been required to provide replacement pitches within the same locality as part of their applications to redevelop existing pitches for student housing

The Panel then heard from Mr P Torrible on behalf of the applicant who addressed the withdrawal of FHG and the issues raised at previous Panel meetings including the GSAL playing fields being open for use by the public and primary schools; trees and the design and massing of the flat block being consistent with the 4 storey buildings across the road. He also commented of the proposals for the Main School Building, highways matters and concluded by stating that the applicant, as a charity, was not in a position to “gift” the use of FHG to the community, nor was it able to provide FHG as a benefit in conjunction with these applications

Members noted the applicants’ interpretation of Policy N6 (i) in terms of re-provision of function. Mr Torrible stated N6 (i) had been met as the LGHS pitches which had been exclusively used by the LGHS pupils, had been re-provided for at GSAL and to a better quality with public access. The Panel further discussed:

Highways - the high volume of traffic already on the local highway network. Members recalled LGHS traffic had caused problems for residents, especially at the school peak times which they compared to peak times for the proposed residential development. The Highways Officer provided a response based on the detailed Traffic Assessment which compared peak traffic flows and concluded the peak flows would be lower than national guidelines suggested amounted to a negative impact. Overall the proposal would not negatively impact on the existing highways network

Ford House Gardens – Discussed the change in the law in April 2010 which prescribed what could and could not be offered in association with a development through a 106 Agreement.

Interpretation of the relevant policies - The Area Planning Manager explained the FHG offer was still being considered in August 2010 in the light of the changes to the law, but advice from Counsel had been received since then. Members considered whether advice from another Counsel would give a different interpretation of the same policies. In response, the Chief Planning Officer read out the advice which stated the application of Policy N6 on this site had been overtaken by events. The Area Planning Manager reiterated that N6 required only one of the 2 tests to be met. Members did acknowledge that N6(i) had been met. The Area Planning Manager confirmed that N6 (ii) had also been carefully considered and in his view had been satisfied.

(Councillor Matthews declared a personal interest at this point as a Governor of Springbank Primary School which lay within the Headingley area and could be regarded as one of the Primary Schools which could make use of the LGHS playing pitches)

The Panel expressed regret over the withdrawal of FHG and further discussed:

- The loss of open space in what they regarded as a congested area
- The slide showing the new build adjacent to the existing tall trees. They felt the slide now showed the true heights of the development and the likely impact on the trees and the character of the street scene.
- Whether the Main School building could be retained and satisfactorily re-modelled

- Perceived over-intensity of the scheme
- The appearance of the Victoria Road frontage
- The interpretation of the policies
- The interpretation of the meaning of locality
- The role of the local authority in being responsible for the future health of the local community through provision of usable and local open space to promote activity
- The weight of local opposition to the development
- The terms of the S106 agreement and the triggers at which point commuted sums would be paid

The Chief Planning Officer in summing up reminded the Panel that no evidence that the loss of the LGHS pitches was linked to the health of any given community group had been presented. Noting that Members were not supportive of the development in its current form he reminded Members of the post benefits provided through the proposed development and requested Members consider those elements of the scheme they could support.

The Panel however commented that although the highways and policy issues had been comprehensively addressed in the report and presentations they still remained concerned over the extent and intensity, design and heights of the development and the elements of demolition.

Members noted the officer recommendation to defer and delegate approval of the applications to the Chief Planning Officer but were not minded to do so and

**RESOLVED** – That determination of the applications be deferred and officers be requested to present a further report to the next meeting setting out proposed reasons to refuse the applications based on the Panels concerns outlined above.

The Panel adjourned for a short while and Councillor J Harper vacated the Chair at this point. Councillor Hardy also withdrew from the meeting. Councillor Taggart resumed his seat as Chair on recommencement of the meeting

**67 Application 10/02643/FU - Two Storey Rear Side Extension and Detached Garage to rear at 1 Spen Gardens, West Park LS16**

Further to minute 42 of the Panel meeting held on 9<sup>th</sup> September 2010 when Panel deferred determination of the application the Chief Planning Officer submitted a further report setting out the applicants' response to the matters raised by Members.

(Councillor Hardy resumed his seat in the meeting)

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

**68 Application 10/03249/FU - Variation of Condition 4 of approval 09/04363/FU relating to Opening Hours for a place of Worship at Lyric House, 113-115 Tong Road, Farnley LS12**

Plans and photographs of the site were displayed at the meeting. Members had visited the site prior to the meeting. Members noted the site lay within the Armley ward, and not Kirkstall ward as indicated on the agenda.

Officers outlined the recent planning history of the premises and the key issues for consideration as being the impact of the longer use on highways and local residents. As such additional conditions were requested to permit a one year temporary permission and to ensure the area to the front of the premises was not used for car parking or as a drop-off/pick up-point

The Panel considered the representations made by Mrs M Ndzinga on behalf of local residents who expressed concern over the length of the proposed opening hours and reported the applicant had previously not complied with the existing hours of use. Mr Ndebele on behalf of the applicant addressed the Panel in response.

Members considered the following matters:

- The reported non-compliance with the existing hours of use and associated incidents of noise nuisance
- Whether it was possible to monitor the hours of use at the premises, although it was noted individual monitoring could not be provided
- The merits of granting a temporary permission for a period less than 12 months,
- Impact of the use on highways and the different problems presented at different times of the day depending on the number of attendees

The Panel noted the officer recommendation to approve the application however were not minded to do so and

**RESOLVED** – That the application be refused and officers be requested to present a further report to the next Panel meeting setting out proposed reasons to refuse the application based on the Panels' comments

(Councillors Akhtar and Hardy withdrew from the meeting at this point)

**69 Applications 10/03618/FU & 10/03620/FU - Applications to erect Detached four bedroom dwelling and Detached six bedroom dwelling to site of existing bungalow at 411 Otley Old Road, Cookridge LS16**

Site plans and slides showing street scene elevations were displayed at the meeting. Members had previously visited the site.

(Councillor Akhtar resumed his seat in the meeting)

Officers highlighted the main issues for consideration as being the principle of the development having regard to recent changes to PPS3; overlooking and car parking.

Members discussed the presence of footings laid for outbuildings yet to be completed in the garden and noted the measures within the conditions to ensure their removal. Members however requested the removal of the footings prior to completion of the development of the two new dwellings

(Councillor J Harper withdrew from the meeting at this point)

**RESOLVED –**

- a) That Application 10/03618/FU be granted subject to the specified conditions contained within the report
- b) That Application 10/03620/FU be granted subject to the specified conditions contained within the report
- c) That Condition No 12 on both permissions be amended to read "Removal of existing footings and restoration of garden area prior to completion of development"

**70 Application 10/03772/FU - Alterations and 2 Storey Side Extension to form enlarged Shop with enlarged Apartment over and erect new 4 bedroom House with integral garage and garden at 17 - 19 Cookridge Lane, Cookridge LS16**

Slides showing architects drawings, aerial photographs, photographs of the street scene were displayed at the meeting. Members had previously visited the site.

Officers reported the planning history of the site including the comments of the Planning Inspector on a previously appealed scheme (Application 09/02673/FU). Slides showing the earlier scheme were displayed for reference.

Officers reported receipt of 3 further letters of representation; however these did not raise any new issues and requested a further condition be included to ensure retention of the copper beech hedge for the dwelling house. The Panel noted that the shop unit had at one time been a post office and a rare Edward VIII post box remained within the site boundary. Members requested one further condition to ensure the retention of this feature

**RESOLVED –** That the application be granted subject to the specified conditions contained within the report and any others deemed necessary by the Chief Planning Officer plus the two additional conditions relating to:

- a) Retention of the copper beech hedge for the dwelling house
- b) Retention of the Edward VIII post box

(Councillors Coulson and Matthews withdrew from the meeting at this point)

**71 Application 10/04111/FU - Widening of existing access to serve electricity sub-station, existing dwelling and proposed dwelling at 180 Otley Road, Headingley LS16**

Plans and photographs of the site were displayed at the meeting. Officers highlighted the key issues for consideration as being highway/pedestrian and cycle safety and whether there had been any material changes in planning law since the grant of the application for the new dwelling now on the site. The

report set out the planning history of the site and included copies of two appeal decisions from 2007 and 2009 respectively

The Panel heard representation from Mrs Walklin, the applicant, who explained current difficulties of access to the new vacant dwelling on the site and maintained that the direct access point from the A660 was used.

The Panel carefully considered the following:

- The comments of the Inspectors in their respective appeal decisions
- Highway safety issues relating to the volume of traffic on the A660 and the likely impact of increased usage of this access point
- The comments of the highways officer
- The impact of the reported removal of the applicants' rights of access to their land via the access road from the Village Hotel on the new dwelling

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

1) The proposal would result in additional turning manoeuvres onto the A660 which is designated as a Primary Route and which carries in excess of 26,000 vehicles per day. It is considered that such manoeuvres could potentially be hazardous and conflict with the safe and free flow of traffic on this heavily trafficked area of the highway network. In addition the servicing requirements of this proposal would be met, at least in part, on street which would be detrimental to the safety of vulnerable road users, especially cyclists, in such a heavily trafficked environment. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted Leeds Unitary Development Plan, with respect to access and highway safety, efficiency, and amenity.

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

**RESOLVED** – To note the date and time of the next meeting as Thursday 2<sup>nd</sup> December 2010