

## **Plans Panel (East)**

**Thursday, 8th September, 2011**

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
P Gruen, G Latty, M Lyons, C Macniven,  
K Parker, J Procter, R Pryke and D Wilson

### **63 Chair's opening remarks**

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

### **64 Late Items**

There were no formal late items although the Panel was in receipt of the following information to be considered at the meeting:

Application 11/02315/RM – Reserved Matters application – Manston Lane LS15 – a written representation from an objector (minute 71 refers)

### **65 Declarations of Interest**

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

Application 10/04404/FU retail store at Moorhouse Avenue and Old Lane Beeston – Councillor Lyons declared a personal interest as a member of West Yorkshire Transport Authority as Metro had commented on the proposals (minute 66 refers)

Application 11/02315/RM – residential development at Manston Lane LS15, Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the outline application (minute 71 refers)

Application 11/02315/RM – residential development at Manston Lane LS15 – Councillor Grahame declared a personal interest through his wife, Councillor Pauleen Grahame's previous involvement with the application (minute 71 refers)

Leeds East Academy – Position Statement – Councillor Lyons declared a personal interest through being a member of West Yorkshire Transport Authority as Metro had commented on the proposals (minute 75 refers)

### **66 Application 10/0440/FU - Junction of Moorhouse Avenue and Old Lane Beeston LS11**

The Panel's Lead Officer referred to a further objection received from a retail competitor to the application submitted by Tesco for a supermarket at Beeston. Advice had been sought from the Council's retail consultant and it was the view of

Officers that in order to properly assess the information and provide correct advice to Panel, that the report should be withdrawn from the agenda to allow full consideration of all the issues raised, with a further report being submitted

Members questioned whether the application would be brought back to the October meeting. The Panel's Lead Officer stated that it was not possible at this stage to commit to resubmitting the report to the next Panel but that it would be presented to Members as soon as all the information had been properly considered

Concerns were raised that many people had attended the meeting for this application and whether they could have been notified of the possibility that the application might not be considered, which would have saved much inconvenience

Officers apologised for this and reported that as many people as possible had been contacted about the possible withdrawal of the report from the agenda

**RESOLVED** - That the report be withdrawn from the agenda and that a further report be submitted in due course

## **67 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 11<sup>th</sup> August 2011 be approved subject to the following amendment to part of minute 56 – Application 10/05670/FU – 56 The Drive Crossgates LS15

The Panel's legal adviser, the Head of Development and Regulatory, referred to the complex legal history associated with the site and informed Members of a preliminary issue in that the applicant's solicitor had made an application to the High Court seeking certain declarations of the court regarding the issue of the height of the building and maintaining that the Council was estopped from refusing the application based on height as a consequence of previous concessions made by it. The Panel was informed that the applicant's solicitor had requested the report to be withdrawn from the agenda pending the court case and that Judge Cockcroft, who heard the previous case, had been requested by the applicant's solicitor to consider this case. If the report was not withdrawn from the agenda, the applicant would reserve the right to refer to their letter on any subsequent appeal .....

## **68 Matters arising from the minutes**

With reference to Application 10/05670/FU – 56 The Drive Crossgates LS15, Officers reported that the High Court hearing into this matter had been set for 13<sup>th</sup> September although it was not known which Judge would be hearing the case. It was the Council's intention to defend its position as vigorously as possible, although only two hours had been allotted to deal with the matter, which might necessitate a further sitting if the case was not concluded during that time. It was agreed to update Members on the current position following the hearing

With reference to minute 186 of the Plans Panel East meeting held on 19<sup>th</sup> May – Application 10/05711/FU – 11 Old Park Road LS8, the Head of Planning Services advised the Panel that some progress had been made on the issues relating to this application and that a report would be brought to the October meeting

**69 Application 10/03826/FU - Riverside Nurseries Linton Common Wetherby LS22 - Appeal decision**

Further to minute 145 of the Plans Panel East meeting held on 17<sup>th</sup> February 2011, where Panel resolved to refuse an application for one 3 bedroom agricultural worker's dwelling with garage at Riverside Nurseries, Linton, the Panel considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant

It was the decision of the Inspector to allow the appeal with a partial award of costs being made against the Council

**RESOLVED** – To note the appeal decision

**70 Application 11/01403/EXT -Extension of time period for planning application 30/196/05/FU for change of use of land and buildings from agricultural to equestrian purposes, formation of arena and cross-country course - Land at Wikefield Farm Harrogate Road Harewood LS17**

Further to minute 31 of the Plans Panel East meeting held on 14<sup>th</sup> July 2011 where Panel deferred determination of the application for legal advice, Members considered a further report

Officers presented the report and outlined the main points of a letter setting out the intentions of the landowners

Counsel's advice, as set out in the submitted report was outlined, with Members being informed that the advice given in relation to changes in personal circumstances of the tenant; whether personal circumstances were a material planning consideration and if so, the weight to be attached to these, accorded with the view of Officers on these matters

Officers reported the receipt of further representations which brought the total number of objections to 72 individual objections and 2787 standardised objections

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

**71 Application 11/02315/RM - Manston Lane Cross Gates LS15 - (Discharge of condition 1 only of outline planning permission 08/03440/OT)**

(Prior to consideration of this application, Councillor Procter joined the meeting)

Further to minute 55 of the Plans Panel East meeting held on 11<sup>th</sup> August 2011 where Members considered a position statement on a Reserved Matters application for a residential development comprising 132 houses and 19 flats, at Manston Lane LS15, part of the former Vickers tank factory site, Members considered the formal application

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which also included information on the context of the application in relation to surrounding developments and the delivery of the Manston Lane Link Road (MLLR). The Panel was informed that a revised layout plan had been submitted which was considered to be acceptable, therefore a change to the recommendation from defer and delegate to approval of the application was sought along with the deletion of conditions 5 and 9 which had been addressed in

the revised plan. Conditions 16 and 17 could also be deleted as they had been included on the outline application

A typing error at paragraph 5.1 was corrected and it was confirmed that 260 units could be built across the two sites before the MLLR was in place

In respect of affordable housing this would be at 25%; public open space locations had been secured as part of the application and that whilst Members had commented on the need for a play area to be included on the site, there was an agreement not to provide this and £62k had been secured by a S106 Agreement for off-site provision

The various off-site highway measures agreed on the outline application and included in the report were referred to

In terms of the provision of a railway station, this was beyond the remit of the application under consideration and that from discussions which had taken place, Metro appeared to favour improvements at Micklefield Station rather than the provision of a new station

The application had generated some representations although many of these focussed on the highway implications of the scheme and the MLLR which were not part of the considerations for this application

To address Members' concerns about possible ransom strips, a condition had been included to ensure that proposed street connections to land east of the site would be constructed up to the boundary

Details of the house types were provided which would comprise a mix of types, predominantly family housing although some flats had been included in the scheme

Members were informed that a separate application would be submitted for the detailed landscaping

Officers recommended approval of the application to the Panel

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members discussed the following matters:

- the traffic congestion in the area which would be exacerbated by this development
- the lack of school places in the area in view of the family housing being proposed and the level of education contributions to accommodate these children in local schools
- that the contributions agreed on an outline application might not reflect the needs at the time if the development was delayed, with concerns being raised that this issue should be considered on this site and be discussed at a future Joint Plans Panel meeting
- concerns that Officers were seeking to amend the recommendation to approve, without having consulted Ward Members on the revised layout plans and especially in view of the controversial nature of the application
- that further assurances were needed on matters relating to street lighting, especially the community safety aspect of this, boundary treatments, drainage, flooding – including the response from the Environment Agency to the proposals - and dealing with the coal under the site. On this matter, Members were advised that rather than extracting the coal, the site would be capped, with the Chair allowing a

member of the applicant's team to provide factual information on the investigations which had taken place

- that samples of the proposed materials should be provided together with details of the sustainability and weathering of the timber
- that in view of the comments made by the applicant's agent on timescales, that a 3 year permission would be needed rather than 5 years. Officers advised that the timescales required submission of Reserved Matters within 3 years and then implementation within 2 years
- the need to ensure a proper impact study had been carried out and proper assessments made by Highways of the traffic issues associated with the scheme
- concerns that the access to the site was contrived and need further consideration
- the likelihood of the developer seeking a reduction in the level of affordable housing at a later date. Members were informed that the S106 Agreement had been signed which included delivery of affordable housing at 25% and that any alterations to this would necessitate a further application being submitted
- that the developer's intention was to create a residential development where people would remain and move up the housing ladder but that the design of the houses undermined this objective
- that the design of the properties needed to be reconsidered and should be of a quality akin to those being built by this developer in the North West of the city
- concerns about the siting of the flats which seemed to be in a less prominent position on the site; that further details of the flats were needed, whether there were any flats over garages and whether it was the intention to locate the affordable housing in the flats
- the methodology used by Officers to calculate planning contributions in view of the sums of money obtained by a neighbouring authority from developments
- that the issues raised at the previous meeting had not been addressed; the need for a masterplan; for this to be shared with Members and consideration being given to seeking planning contributions progressively
- that details of the negotiations between Officers and developers should be provided
- that there were two colonies of Great Crested Newts on the site and this had to be taken into account

Whilst noting Members' concerns, particularly on the highways issues, the Head of Planning Services reminded the Panel that the application before it was for Reserved Matters and that issues addressed in the outline application could not be revisited and that this included the provision of the MLLR

In terms of the masterplan, colleagues in Asset Management were undertaking discussions and that information on this could be provided

Discussions continued on the application and the need to consider all the information Members felt was necessary

Members considered how to proceed

**RESOLVED –**

- i) That Ward Members be consulted on the revisions to the Reserved Matters application
- ii) That determination of the application be deferred to enable a meeting with Panel Members, the Director of City Development and the Acting Chief Asset Management Officer to take place to discuss bringing about a comprehensive and co-ordinated approach to the delivery of development within the area and the delivery of the MLLR – this meeting to take place before reporting the application back to Panel
- iii) That sample materials be obtained and provided when the application is re-presented to Panel and that issues relating to drainage/flooding, lighting, fencing, affordable housing, school places provision, the sustainability of the site and clarification of the education contribution be included in the report, together with a position statement on the progress on master planning of the wider area and details of the negotiations undertaken so far, especially regarding the delivery of the MLLR
- iv) That Councillor Parker be briefed by Officers on discussions regarding the provision of a rail halt

**72 Application 11/02376/FU - Variation of condition 25 of planning permission 99/21/10/95/FU relating to opening hours - Low Road Hunslet LS10**

Further to minute 53 of the Plans Panel East meeting held on 31<sup>st</sup> July 2008, where Panel resolved to refuse an application for increased opening hours at McDonald's restaurant on Low Road Hunslet, Panel considered a further application. Plans and photographs were displayed at the meeting.

Officers presented the report which sought the same hours as had been refused by Panel in 2008 which was accompanied by additional information submitted by the applicant relating to the amount of activity that was likely to be generated through the increased early morning opening hours.

Members discussed the proposals and commented on the viability of the proposed opening hours, impact on residential amenity and litter issues, including the fact that whilst the operator included litter bins outside the restaurants, litter from their premises could be found further away and that conditions controlling this should be considered, if minded to approve the application.

The Panel considered how to proceed.

**RESOLVED -** That the Officer's recommendation to approve the application be not accepted and that the application be refused for the following reason:

The proposed hours of opening would lead to an additional number of comings and goings from patrons using the premises in the late hours/early hours of each day. The associated noise and disturbance from such use, particularly in the early hours, would be significantly detrimental to residential amenity in the residential locality surrounding these premises. The application is therefore contrary to policy GP5 of the Unitary Development Plan (Review) 2006 and guidance contained in Planning Policy Statement 1 – Delivering Sustainable Development (2005).

**73 Application 11/02542/FU - Variation of condition 9 of planning approval 21/154/01/FU - relating to opening hours - Elland Road Holbeck LS11**

Further to minute 115 of the Plans Panel East meeting held on 25<sup>th</sup> September 2008 where Panel approved the variation to opening hours at McDonald's restaurant on Elland Road LS11, Panel considered a further request for an extension to the opening hours

Officers presented the report and informed Panel that the applicant was seeking an additional 30 minutes opening time each morning and one hour later closing time on Thursday to Saturday to 1am and not Friday – Saturday as set out in the report

A representation received from a local resident was reported as was Councillor Gabriel's concerns about the possibility of increased litter in the area

Members were informed of the litter picking scheme which was in operation at this site but not at the Low Road site (minute 72 refers) which involved litter picking patrols in the vicinity of the site several times a day, with further monitoring patrols taking place

Members considered how to proceed

**RESOLVED** - That a temporary one year permission be granted subject to amending condition 9 of planning approval 21/154/01/FU – to refer to Thursday to Saturday and the addition of a condition requiring litter collection to be carried out in accordance with the submitted details

#### **74 Application 11/01683/FU - Removal of condition 6 of previous approval 31/204/97/FU, alterations and extensions at Hartmoor House 3 Freely Fields Bramham LS23**

Further to minute 60 of the Plans Panel East meeting where Members resolved not to accept the Officer's recommendation to approve the removal of condition 6 of the previous approval 31/204/97/FU and alterations and extensions to the property at 3 Freely Fields, Bramham, the Panel considered a report of the Chief Planning Officer setting out possible reasons for refusal of the application based on the concerns raised by Members

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

The Local Planning Authority considers that the proposed extensions and new hardstanding are harmful additions which, by reason of their overall size, scale, siting and the consequential loss of soft landscaping, are harmful to the character and appearance of the dwelling and the Bramham Conservation Area. The proposals are thus considered contrary to the aims and intentions of policies N19, GP5 and BD6 of the Unitary Development Plan Review (2006) as well as guidance contained within PPS1, Delivering Sustainable Development and PPS5, Planning for the Historic Environment

#### **75 Application 11/03032/LA - Parklands Girls' High School South Parkway Seacroft LS14 - Position Statement**

Plans, graphics and an artist's impression were displayed at the meeting

Members considered a report of the Chief Planning Officer setting out the current position on proposals for the redevelopment of Parklands Girls' High School to form the Leeds East Academy following pre-application presentations to Panel in April and June 2011

Officers presented the report and addressed concerns raised previously regarding the positioning of the school within the site. Although the options of developing on the north west of the site or on the existing car park had been considered, the reduced budget available for the development had meant this was not possible. A financial viability assessment on these options had been carried out by the District Valuer who concluded that although some of the figures provided seemed excessive, either option could not be undertaken without significant further investment.

A versatile and flexible approach to teaching areas was to be provided with learning 'pods' the size of which could be altered through interchangeable glazing and solid panels to adapt to the needs of the school.

A revised scheme from that seen in June had been submitted which had sought to refine the architectural detail and to introduce tonal differences in the materials used. As the building was set back approximately 100m from the highway the detail of the building could best be appreciated close up.

CABE had contacted the LPA and expressed interest in this innovative scheme and had asked to undertake a design review, with the Civic Architect, Mr Thorp, appraising the scheme. A response recently received from CABE was read out although it was stated that this, together with Officers' responses to the issues raised, would be included in the report to the meeting on 6<sup>th</sup> October 2011 when it was intended to bring the application for determination.

Further revised images of the scheme had been submitted that day which showed a simplification of the entrance area, fenestration improvements, the introduction of a roof canopy and the creation of two 'bookends' to the building which resulted in a less fussy, more bold and elegant design. There were some initial concerns relating to the amount of rooftop plant which was visible although a full appraisal of the revisions would be made.

The Panel was informed that if approved, completion of the building was planned for February 2013.

As the development of the new building would take place whilst the Academy continued to function on the site, a temporary access road for construction traffic would be created.

The Panel's Highways representative informed Members that the current 88 car parking spaces would be increased to 124 which was above the maximum guidelines in the UDP. In respect of cycle parking, detailed matters remained to be resolved. A recently signed S278 Agreement would provide for footway improvements to the residential development close to the site.

The possibility of a one-way system on South Parkway at the site frontage had been considered but was not thought to be appropriate as there were concerns that this could be abused; the money which would have been used for this would be used elsewhere in the area.

Members commented on the following matters:

- the current position with the EASEL developments
- the level of consultation on the proposals and why people in the Gipton and Harehills ward had not been consulted despite a large number of pupils attending the school from that area
- whether the proposals were still based on the concept for the Roundhouse at Derby College
- one view that the revisions to the design were contrived and made for a less interesting design

- the possibility for more colour to be included in the scheme
- the need for better quality visuals and a model of the development
- that a lack of finance was not a material planning consideration
- an acceptance of the reasons for the siting of the building but that a different location within the site should have been possible
- the need to see samples of the proposed materials
- the hope that if the revisions suggested by CABE resulted in a less costly scheme, any savings would be reinvested in the building
- the need to ensure there was plenty of natural light in the teaching areas and concerns that the size of some windows in the revised scheme were smaller than those previously proposed
- that the contractual arrangements should be robust and enable any defects which occurred once the Academy was operating to be quickly and easily remedied

Officers provided the following responses:

- that two of the EASEL sites were both 50% built out with much construction work still ongoing on these sites, although there was no prospect of sites 6 and 8 being developed at the moment
- that the consultation on the proposals had been extensive and had been based on guidance from Children's Services. A representative from that Department was in attendance and provided factual information with the agreement of the Chair, this being, that the school was changing from an all girls school to a co-educational Academy for the local community and that the main consultation had taken place in the catchment area although further consultation could be undertaken if requested.
- that the Roundhouse in Derby had been a success and that in the Design and Access Statement for the Leeds East Academy application, the Head of the Roundhouse had contributed although direct comparisons could not be made as the Roundhouse was a post 16 college

Members considered the specific questions and were satisfied with the phasing of the construction set out in paragraph 2.11 of the submitted report. In terms of the method for dealing with the design proposals, ie through the submission of sketch responses which would be included with the Officer's presentation to Panel, the majority view was that this was acceptable

#### **RESOLVED-**

- To note the report, the presentation and the comments now made
- That a copy of the catchment area for Leeds East Academy be provided to Councillor Pryke

(Councillor Gruen left the meeting at this point)

## **76 Draft Householder Design Guide**

Members considered a report of the Chief Planning Officer outlining the consultation strategy for the Draft Householder Design Guide which would commence on 19<sup>th</sup> September. A copy of the draft guide had been sent to Members separately from the agenda

Officers presented the report and informed Panel that the document formalised the current approach being used to assess planning applications and encouraged good design

Three new policies were proposed; these related to character, neighbourhood amenity and Green Belt, with 'limited extensions' within the Green Belt being defined as approximately a thirty percent increase on the volume of the original building

Members welcomed the document which was likely to be formally adopted by the end of the year although it would be used in draft form before that time

Some concerns were raised about the issues relating to dormer windows and it was felt that the proposals could lead to increased work for the Enforcement Section

**RESOLVED** - To note the report, the proposed consultation strategy and the comment now made

**77 Date and time of next meeting**

Thursday 6<sup>th</sup> October 2011 at 1.30pm in the Civic Hall, Leeds